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Human rights of migrants

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on the human rights of migrants submitted by Gabriela Rodríguez Pizarro, Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 57/218 and Commission resolution 2003/46.

* A/58/150.



Report on the human rights of migrants submitted by the Special Rapporteur of the Commission on Human Rights

Summary

The present report is submitted pursuant to General Assembly resolution 57/218 and Commission on Human Rights resolution 2003/46.

During the period under review the Special Rapporteur participated in a number of conferences, seminars and consultations on issues relating to migration. The Special Rapporteur also held consultations with representatives of international organizations, non-governmental organizations (NGOs) and Governments on the promotion and protection of the human rights of migrants. The Special Rapporteur continued to receive information about the situation of migrants worldwide and to exchange communications with Governments.

The Special Rapporteur plans to visit Spain, Morocco, Belgium and Italy in the second half of 2003 and the first half of 2004. She received an invitation from the Government of Burkina Faso to visit in the first half of 2003. At the same time, the Special Rapporteur intends to visit Côte d'Ivoire and Mali in order to study the migration situation and dynamics in the region. She also plans to undertake an official visit to the Islamic Republic of Iran in February 2004.

Governments' strategies and policies in responding to the challenges posed by migration in its present dimensions have often failed to ensure respect for Governments' human rights obligations vis-à-vis migrants. Under these circumstances, the Special Rapporteur increasingly views as a priority the promotion of a human rights-based approach to activities and policies relating to migration issues.

During the period under review, the Special Rapporteur has observed that the strengthening of security policies and the tendency to consider migration as a matter falling under State security plans pose a threat to the human rights of migrants. The Special Rapporteur believes that migration must not be considered only a matter of security. The involvement of the ministries of foreign affairs, health, education, social welfare and labour, as well as civil society, in the development of national migration plans and policies is necessary in order to ensure the protection of the human rights and the dignity of migrants.

The Special Rapporteur emphasizes that increased international cooperation and dialogue for the development of human rights-informed migration policies and comprehensive, coordinated and harmonized systems of migration management are necessary to combat irregular migration, smuggling, trafficking and violations of the human rights of migrants.

The Special Rapporteur believes that strengthened cooperation between all relevant international organizations, with the growing involvement of the Office of the United Nations High Commissioner for Human Rights (OHCHR), is the best way to ensure that human rights will be mainstreamed into the work of the international community in the field of migration. This would include cooperation in policy development, training and capacity-building, among other areas. The Special Rapporteur notes the importance of the programmes of the International Labour

Organization (ILO) in many regions of the world on labour migration, migrant women, gender equity and the prevention of trafficking and would like to encourage increased cooperation between her mandate, OHCHR and ILO. The Special Rapporteur is also encouraged by the interest taken by the Secretary-General in the issue of migration.

The Special Rapporteur encourages strengthened follow-up to the recommendations of special procedures and treaty bodies concerning the human rights of migrants at the national and international levels. The Special Rapporteur welcomes the discussions initiated by OHCHR in this regard as follow-up to the Secretary-General's agenda for further change (A/57/387 and Corr.1).

The Special Rapporteur believes that in the context of strengthened cooperation, efforts should be made to develop guidelines and tools to assess migration policies in the context of existing international human rights norms. Such tools should serve as a basis for the provision of advisory services and technical cooperation for capacity-building and for enhanced international dialogue and cooperation for the development of a human rights-based approach to migration. All relevant United Nations agencies and departments and international organizations should be involved in this effort.

The Special Rapporteur recommends increased international assistance to promote wider adherence to, and implementation of, existing international instruments for the protection of the human rights of migrants. In this connection, the entry into force, on 1 July 2003, of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families is a great advance towards the establishment of a comprehensive international legal framework for the protection of the human rights of all migrant workers. The Special Rapporteur recommends strengthened efforts on the part of the international community to promote its implementation and its application, including by studying the obstacles to its ratification.

The Special Rapporteur also encourages strengthened international cooperation and dialogue for the implementation of the Durban Declaration and Plan of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She also supports the fostering of a positive image of migration and raising awareness of its positive potential.

With respect to counter-trafficking and smuggling, the Special Rapporteur recommends further study of the causes of these phenomena. She encourages OHCHR, the International Organization for Migration (IOM), ILO and the United Nations Development Fund for Women to continue their anti-trafficking activities and activities aimed at protecting the victims of trafficking at the national and regional levels.

The Special Rapporteur also encourages strengthened cooperation and exchange of information among all human rights mechanisms, including all relevant special procedures and treaty bodies, with regard to the situation of migrants. She welcomes in particular the exchange she had with the members of the Committee on the Elimination of Discrimination against Women (CEDAW). The recommendations, conclusions and observations of treaty bodies and special procedures in this regard should be taken into account by Governments, NGOs and international organizations in the formulation and implementation of activities, policies and programmes. They

should also serve as a tool for monitoring the follow-up and progress made in the protection and promotion of the human rights of migrants.

The present report contains recommendations to promote and protect the human rights of migrants throughout the migration process. The Special Rapporteur believes that the subject matter of such recommendations merits increased attention at the international and national levels. International support for the exchange and collection of good practices and successful experiences is also particularly encouraged in order to facilitate the development of tools for the promotion of a human rights-based approach to migration.

The Special Rapporteur emphasizes the need to strengthen measures to prevent irregular migration, including in countries of origin. In particular, the Special Rapporteur encourages States to ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocols supplementing the United Nations Convention against Transnational Organized Crime, those on trafficking in persons and smuggling of migrants. She also recommends that special efforts be undertaken to combat corruption of immigration officials and to eliminate impunity for members of trafficking and smuggling networks. The Special Rapporteur also recommends that countries of origin undertake efforts to provide adequate documentation and strengthened consular protection to their nationals abroad in order to prevent some of the violations outlined in the report.

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I. Introduction

1. The Special Rapporteur on the human rights of migrants, Graciela Rodríguez Pizarro, submits the present report to the General Assembly pursuant to General Assembly resolution 57/218, entitled "Protection of Migrants", and Commission on Human Rights resolution 2003/46, entitled "Human rights of migrants".
2. In the present document the Special Rapporteur reports to the General Assembly on her activities during the period under review and on her main observations regarding the situation of the human rights of migrants.

II. Activities of the Special Rapporteur

3. During the reporting period, the Special Rapporteur participated in the following events:

- (a) From 20 to 22 November 2002, the Special Rapporteur participated in the Hemispheric Conference on International Migration: Human Rights and Trafficking in Persons in the Americas, held in Santiago, where she spoke about the human rights dimension of trafficking in the Americas and existing protection mechanisms;

- (b) From 3 to 5 December 2002, the Special Rapporteur travelled to Geneva for consultations with staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and to participate in the 84th session of the Council of the International Organization for Migration (IOM). At the meeting, the Special Rapporteur spoke about abuses suffered by migrants and about the need for a deeper discussion on migration management systems that were respectful of the human rights and dignity of migrants. She also participated in a parallel event organized by the Steering Committee for the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. On that occasion, the Special Rapporteur emphasized the need for a reliable and comprehensive legal framework for the protection of all migrant workers' rights and highlighted how the various provisions of the Convention would provide protection against widespread abuses;

- (c) From 24 to 25 March 2003, the Special Rapporteur participated in the first International Seminar of Peruvian Communities Abroad (Seminario Internacional de Comunidades Peruanas en el Exterior), held in Lima, where she spoke about trends observed in migration policies and how they affected the human rights of migrants. In Lima, she also met with government representatives, representatives of the International Labour Organization (ILO) and financial institutions, and with academics;

- (d) From 4 to 6 April 2003, the Special Rapporteur participated in the Third International Citizens Meeting, which had the theme "Towards a new form of citizenship: alternatives to a single discourse" and which took place in Barcelona, Spain. At the meeting the Special Rapporteur highlighted the challenges, as well as the opportunities, posed by globalization to the human rights of migrants;

(e) From 7 to 12 April 2003, the Special Rapporteur travelled to Geneva to present her report (E/CN.4/2003/85 and Add.1-4) to the fifty-ninth session of the Commission on Human Rights. She also held consultations with the United Nations High Commissioner for Human Rights, OHCHR staff and other relevant actors, including representatives of IOM, ILO, migrant groups and non-governmental organizations (NGOs), as well as government representatives. The Special Rapporteur's main report focused on the issue of administrative detention of migrants, while the addenda were devoted respectively to communications to and from Governments and her visits to Mexico, the border between Mexico and the United States of America and the Philippines;

(f) From 6 to 9 May 2003, the Special Rapporteur participated in the second Regional Workshop on Counter-Trafficking and Human Rights, organized by IOM and others in Bogota. The seminar was attended by academics and representatives of Governments, Latin American, North American, European and Asian NGOs and media from Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Peru, Spain, Thailand and the United States. The meeting's objective was to define clearly, according to international standards, the concepts of trafficking and smuggling, acknowledging the links between the two phenomena. During the meeting the Special Rapporteur briefed participants on the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and its relevance vis-à-vis the vulnerability of many migrants;

(g) From 7 to 9 May 2003, the Special Rapporteur participated in the first Continental Meeting on Globalization, Migration and Refuge (I^o Encuentro Continental Sobre Globalización, Migración y Refugio) organized by the Latin American Council of Bishops, also held in Bogota. The meeting discussed the impact of globalization on migration and asylum in the Americas and provided an opportunity for an exchange of experiences on how the Catholic Church, in cooperation with civil society, could assist in improving the quality of life of migrants and refugees;

(h) From 26 to 30 May 2003, the Special Rapporteur participated in the seventh meeting of the Regional Conference on Migration — also known as Puebla Process — which was held in Cancún, Mexico. The Conference is a regional forum for dialogue and discussion on the phenomenon of migration in North and Central America;

(i) From 23 to 28 June 2003, the Special Rapporteur participated in the annual meeting of special rapporteurs of the Commission on Human Rights in Geneva;

(j) On 1 July 2003, she participated in an event to celebrate the entry into force of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families;

(k) On 2 and 3 July 2003, the Special Rapporteur participated in the Berne Initiative consultations on an international agenda for migration management;

(l) On 10 July 2003, the Special Rapporteur participated in a meeting with the experts of the Committee on the Elimination of Discrimination against Women (CEDAW) organized by the United Nations Development Fund for Women (UNIFEM) in New York;

(m) In September/October 2003 the Special Rapporteur will also participate in a regional consultation with NGOs in Asia.

4. In establishing her programme of visits, the Special Rapporteur decided to give priority to European and African countries in order to maintain a geographical balance in carrying out her activities. In this connection, she will undertake visits to Spain, Morocco, Belgium and Italy in the second half of 2003 and the first half of 2004. The Special Rapporteur received an invitation from the Government of Burkina Faso to undertake a country visit in the first half of 2003. The Special Rapporteur replied that she would like to undertake a subregional visit in order to study its migration situation and dynamics, and to that end she requested invitations from the Governments of Côte d'Ivoire and Mali. She also sent a request to the Government of the Islamic Republic of Iran to undertake an official visit in February 2004.

5. The Special Rapporteur continued to receive information about the situation of migrants worldwide and to exchange communications with Governments. A summary of the communications sent during the reporting period, together with Governments' replies, will be submitted to the Commission on Human Rights at its sixtieth session. The main report of the Special Rapporteur to the sixtieth session of the Commission will focus on the situation of migrant domestic workers. In this connection, a questionnaire was sent to Governments, experts and NGOs in June 2003.

III. Human rights of migrants in 2003

A. General observations of the Special Rapporteur

6. During the period under review, the Special Rapporteur has observed that the strengthening of security policies and the tendency to consider migration as a matter falling under State security plans pose a threat to the human rights of migrants. Governments' strategies and policies adopted in response to the challenges presented by migration in its present dimensions have often failed to ensure respect for Governments' human rights obligations vis-à-vis migrants. Under these circumstances, the Special Rapporteur increasingly views as a priority the promotion of a human rights-based approach to activities and policies relating to migration issues.

7. The international community is demonstrating increasing interest in the issue of migration. The Special Rapporteur has observed with satisfaction the growing number of regional consultative forums on migration. These include the Puebla Process in North and Central America, the Budapest Process in Europe, the Manila Process and the Bangkok Declaration in Asia and the Migration Dialogue for Southern Africa (MISDA) Process. Beyond regional initiatives, efforts to promote international cooperation in this field have also been initiated. In this connection, the Special Rapporteur welcomes the decision of the ILO Governing Body to devote the general discussion of the International Labour Conference in 2004 to the topic of migrant workers, as well as the greater focus on human rights in the IOM international dialogue on migration policy. The Special Rapporteur also welcomes the Berne Initiative, a consultative process launched to assess the desirability and

feasibility of developing a set of guiding principles based on international law and best migration practices in order to increase inter-State cooperation.

8. At the level of the United Nations, an effort was made to identify the major challenges posed by the phenomenon of migration to States and the international community and to propose institutional arrangements to better deal with them. The Special Rapporteur is encouraged by this development.

B. Challenges to the protection of the human rights of migrants

9. The following paragraphs are devoted to outlining the observations and recommendations of the Special Rapporteur with respect to some of the main human rights challenges in the context of migration.

1. Preventing irregular migration and combating trafficking, especially of women and unaccompanied minors

10. The Special Rapporteur has observed several outstanding factors that impel people to search for improved living conditions abroad. These include widespread violations of human rights, unemployment, low levels of education, political instability, unequal distribution of wealth, lack of gender equity and natural disasters in countries of origin, as well as falsified information regarding work opportunities in countries of destination. When these forceful push-factors are coupled with restrictive asylum and immigration policies, there can be an increase in the use of alternative migration channels, including smuggling, with serious consequences for the human rights of the people involved.

11. Irregular migration is the main backdrop for human rights violations, exploitation and discrimination. The impossibility of denouncing abusive practices by employers for fear of arrest and deportation and the lack of any social and labour protection, coupled with the lack of access to health care, social services and legal assistance, make irregular migrants vulnerable to exploitation and all types of abuses, as the Special Rapporteur has extensively reported.

12. The Special Rapporteur is very concerned about the violations of the rights of migrants committed by networks that smuggle migrants and traffic persons, and has addressed this theme in various activities. Since the establishment of her mandate, the Special Rapporteur has referred to the definitions of smuggling and trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The two Protocols refer to two different phenomena within the same Convention. The distinction between the two is made clear in these documents: while the definition of trafficking contains the element of coercion and affirms that trafficking may occur within a context of regular migration, that of smuggling does not. The definition of trafficking emphasizes subsequent exploitation, whereas the definition of smuggling focuses on facilitating irregular entry of a person from one country to another.

13. The Special Rapporteur has observed that smuggling may increase the risk of trafficking. Migrants who have recourse to the services of smugglers may find themselves in a position of extreme vulnerability owing to their irregular situation, the debt they may incur in their countries of origin and the impunity with which trafficking and smuggling networks often operate. At times their undocumented status puts them in a situation where contracts are changed, or they are forced into degrading and humiliating jobs, often in conditions amounting to slavery. As a result, they go from being irregular migrants to being victims of trafficking. Although trafficking can also occur within countries, the Special Rapporteur always refers to these crimes within a context of international migration.

14. Another challenge is posed by the existence of mixed flows of asylum-seekers and migrants. Undocumented or irregular migrants often use the asylum procedures because they see it as the only way of obtaining a temporary permit to remain in the asylum country. At the same time, people with legitimate asylum claims do not apply for asylum for fear of being returned to their countries of origin upon denial of refugee status. The Special Rapporteur has noted with concern that the authorities of asylum countries often have scant knowledge of the eligibility requirements for asylum.

15. The complexity of the two interrelated phenomena has increased the vulnerability of those involved. The Special Rapporteur has noted that undocumented or irregular migrants are vulnerable to abuse, discrimination and exploitation in countries of transit as well as in countries of destination. Those using smugglers do so voluntarily, yet they are at great risk of abuse in the migration process, including extortion by corrupt migration or other law enforcement officials. Moreover, the inhumane conditions in which smuggling occurs puts migrants in extreme danger. As stated above, their irregular situation often makes them vulnerable to traffickers. Asylum-seekers using irregular migration channels to leave their countries of origin are in the same situation of vulnerability as undocumented migrants.

16. The Special Rapporteur believes that in order to address this complex situation, three sets of distinct, yet related and mutually reinforcing, measures are needed: measures to prevent irregular migration and fight smuggling networks; measures to combat trafficking and to protect its victims; and measures to preserve the integrity of the asylum protection system.

17. The Special Rapporteur notes that measures to prevent irregular migration include the development of immigration policies that take into account the reality of the labour market, thereby increasing opportunities for regular migration when there is a real demand for migrant labour; international cooperation for the development of work opportunities in the communities of origin of migrants; and the provision of information to potential migrants about work opportunities, regular migration channels and the risks of resorting to irregular migration channels.

18. In order to combat smuggling, the Special Rapporteur believes that the issues of impunity for criminal smuggling networks and corruption on the part of some immigration officials in countries of origin, transit and destination must be tackled, including by making smuggling a criminal offence under national legislation and by strengthening cooperation among relevant law enforcement agencies. These measures should be accompanied by tight control on recruitment agencies and by

regulating, through a licensing and registration system, private sector participation in the recruitment and placement of workers.

19. Comprehensive witness protection programmes in sending, transit and receiving countries are also an effective measure in combating illegal recruitment practices. The Special Rapporteur notes that such programmes, where they exist, are difficult to access as the requirements for eligibility are often very strict and the fear of prolonged detention and/or deportation upon denial of protection discourages many victims from denouncing illegal practices.

20. The Special Rapporteur believes that efforts to strengthen respect for States' obligations vis-à-vis refugees, as well as appropriate training of immigration officials on the asylum protection system and on international and national human rights obligations, would help in part to ensure strengthened protection for asylum-seekers. The Special Rapporteur is encouraged by increased discussions at the international level on ways and means of addressing the existing challenges to the asylum system, taking into account the present scope and dimension of the movement of people and the nexus between asylum and migration.

21. The Special Rapporteur considers that increased international dialogue and cooperation, as well as coordination of all relevant departments at the national level, including security, intelligence, border police, migration police and other law enforcement officials, are positive steps in combating trafficking.

22. The Special Rapporteur has repeatedly stated that the victims' needs for specific medical, psychological and legal assistance are often not taken into account. Victims of trafficking, including unaccompanied minors, are often detained and deported without regard to their status and without consideration of the risks to which they may be exposed if returned to their countries of origin. The Special Rapporteur has received information according to which, for fear of being deported or criminalized, victims of trafficking, especially women, often do not denounce their traffickers and do not seek protection from local authorities against their abusers.

23. The legislation of some countries provides for some forms of assistance and protection for victims of trafficking. However, in many cases, in order to obtain protection, victims have first to escape from their exploiters, cooperate with the Government in the investigation and demonstrate that their lives would be in danger if they were deported. Furthermore, many persons choose not to participate in existing witness protection programmes because detention often is a component of such programmes.

24. The Special Rapporteur believes that temporary residence permits, together with adequate medical, psychological, social and legal assistance and an adequate level of police protection, should be granted to all victims and their families, regardless of whether they are willing to cooperate with the judiciary in the prosecution of the traffickers. Furthermore, the Special Rapporteur believes that it is necessary to give victims a reasonably long period of reflection to decide whether to cooperate with the authorities. This would give them time to recover, build trust in those assisting them and cooperate in gathering intelligence about the modus operandi of traffickers.

2. Consular protection

25. The Special Rapporteur has repeatedly stated that countries of origin play an important role in protecting their nationals from violations of their rights during all phases of the migration process. She has also observed that there is often a lack of financing for consular protection by those countries; the balance between the remittances sent by migrants and the protection afforded to them by their consulates is often not in the migrants' favour. In this connection, the Special Rapporteur would like to stress that it is important to ensure that Governments make adequate representations to protect the rights of their migrant nationals, especially women and unaccompanied minors. It is also important to monitor the application of labour and social welfare laws of receiving countries, including questions of legal assistance and medical referral, and to provide assistance to migrants and their families to ensure that agencies and employers abide by their contractual obligations.

26. The Special Rapporteur observes that in countries of transit or destination where there are significant migration flows, there is often no coordinated consular policy, nor are there bilateral agreements between consulates. The Special Rapporteur has repeatedly recommended to Governments that in order to strengthen the protection of their citizens abroad, especially women, they should consider providing human rights and gender training for embassy and consular personnel and the deployment of specialized personnel, such as doctors, social workers and psychologists, to countries with a large number of migrants.

27. The Special Rapporteur reiterates that repatriation assistance in cases where migrants lose their jobs, wish to escape from abusive situations, or wish to be repatriated for health reasons should also be provided. Consulates and embassies should be financially empowered to assume these cases, as well as to assist in the repatriation of victims of trafficking at their express request. In particular, specific attention should be devoted and protection granted to unaccompanied minors.

3. Protection of migrants working in the informal sector

28. The Special Rapporteur has documented many cases of exploitation, mistreatment, discrimination and xenophobia against migrants, primarily women and especially those working in the private sphere, such as domestic workers. In many cases workers are forced to surrender their passports or other documentation to their employers. The employers are thus free to withhold them if the migrant worker threatens to quit or change jobs. The withholding of documentation, the debts frequently incurred by migrants in their country of origin, their lack of adequate information, the fear that they will be denounced to the authorities, the absence of medical and psychological counselling and support, as well as the absence of legal assistance on the part of consulates and embassies are some of the factors that contribute to making migrants working in the informal sector, especially women and minors, particularly vulnerable to violations. Many domestic employees work long hours for a miserable salary and under truly inhumane and degrading conditions that sometimes amount to slavery.

29. The Special Rapporteur welcomes the fact that some States have undertaken efforts to prevent the exploitation of and discrimination against migrant nationals abroad. Certain States have done this by, inter alia, adopting the policy of allowing recruitment only in countries that have a good human rights record, or by allowing the recruitment only of skilled workers to prevent employment in the sex industry or

in humiliating and degrading jobs. However, such efforts have at times been unsuccessful if they were not accompanied by agreements with the States of destination, especially where there was a strong sex industry or a strong demand for unskilled labour.

30. The Special Rapporteur has observed a need to give legal recognition to the work done by migrant domestic workers. She has emphasized that it is essential that workers in the informal sector, as well as their children, have access to social security, education, health-care services, legal aid, counselling and socio-economic benefits. Pre-departure information, mechanisms for monitoring and accessible complaint mechanisms are also necessary to ensure adequate protection from and prevention of abuses. The Special Rapporteur is particularly concerned about the existence in some countries of mail-order bride agencies and/or web sites and about the vulnerability of minors who have recourse to them, thereby becoming vulnerable to exploitation and trafficking. Special measures should be taken to protect persons against these risks.

31. Moreover, the Special Rapporteur emphasizes that efforts must be made to combat corruption and punish abusive employers. The first step in this direction is an inclusive and detailed employment contract that is written in a language that the migrant can understand. It should contain information with respect to the work site, the duration of the contract, the monthly salary, the working hours and the conditions of stay (including residency documents and work permit, suitable and sanitary living quarters, adequate food and medical services). It should also have a provision giving the employee the right to terminate the contract under specified conditions, as well as information on where to find assistance in case of problems.

4. National migration administrations

32. The Special Rapporteur notes that corruption often permeates migration administrations, resulting in the complete lack of protection for migrants and impunity for those responsible for violating their rights. The Special Rapporteur has received various testimonies of extortion and abuse of migrants, especially women, by officials. Moreover, she has frequently observed that ratified conventions are not always translated into national legislation. States must take into account the complex and comprehensive nature of corruption at all levels.

33. The Special Rapporteur has emphasized the need to provide adequate training and resources to the national migration administrations, border police and law enforcement agencies and officials dealing with migration matters. Instruction should go beyond theoretical teaching of national and international legislative provisions to action-oriented training. It should also include modules to raise awareness on the concrete problems faced by undocumented migrants and their vulnerability to human rights violations, as well as practical training in investigating criminal groups involved in smuggling and trafficking. Responsible officials and those dealing with migrants should also be trained to give migrants practical guidance and information. The Special Rapporteur recommends that they be sensitized with respect to the social, cultural and psychological difficulties encountered by migrants and to the human dimension of the migration phenomenon.

5. Interception/detention/deportation/repatriation

34. The Special Rapporteur devoted her main report to the fifty-ninth session of the Commission to the issue of administrative detention of migrants, as she is concerned about the vulnerability of migrants to deprivation of liberty and the violations they experience while in detention centres. There is in fact a tendency to criminalize infringements of immigration regulations and to punish them severely, while a great number of countries resort to administrative detention of irregular migrants pending deportation.

35. The Special Rapporteur regrets that deprivation of liberty is resorted to without due regard for the individual history of the persons in question. Often, victims of trafficking, including minors, are detained for infractions committed as a result of their situation as victims. Often, children and other vulnerable groups are detained in conditions that are detrimental to their physical and mental health, owing to the lack of facilities which ensure respect for their human rights. There is a tendency to allow immigration officials to decide whether to detain certain migrants and the legal grounds for the administrative detention of migrants are often too broad.

36. This situation is often encouraged by the absence of automatic mechanisms for judicial or administrative review. Moreover, the Special Rapporteur has observed that other procedural safeguards, such as access to interpreters and lawyers, the right to be informed of the grounds for detention, the right to have recourse to appeal mechanisms and the right to have consular or embassy representatives informed of the detention, are basic rights that are often denied to migrants. Legislation and practice allow administrative detention to be very lengthy or, at times, indefinite, even though the facilities built or used for this purpose are not equipped for long-term detention.

37. Infractions of immigration laws and regulations are often considered criminal offences under national legislation. With respect to unaccompanied minors, the Special Rapporteur has stressed that the detention of children should be permitted only as a measure of last resort, only when it is in the best interest of the child, and only for the shortest appropriate period of time and in conditions that ensure the realization of the rights enshrined in the Convention on the Rights of the Child. The Special Rapporteur also stresses the need to avoid the prosecution, detention and punishment of victims of trafficking for illegal entry or residence in the country or for the activities they were involved in as a consequence of their situation as trafficked persons. She further recommends that procedural safeguards and guarantees established by international human rights law and national law in criminal proceedings be applied to any form of detention.

38. The Special Rapporteur attributes the increase in the number of administrative detentions to the growing number of irregular migrants and the unilateral restrictive measures often adopted by States to stop or discourage these irregular flows. She suggests that measures to tackle the causes of irregular migration flows would be the most efficient way of addressing the problems relating to the administrative detention of migrants. Moreover, tackling these flows would help to ensure the integrity of national security while also helping to protect migrants' human rights.

39. The Special Rapporteur considers that the efforts to conclude bilateral and multilateral agreements to facilitate the movement of people and their return, when necessary, are also relevant in this regard. The deportation procedure can in fact be particularly time-consuming where there is no diplomatic representation of the country of citizenship of the alien, the country of destination is unable or unwilling to finance the deportation, or the State of origin or another country refuses to accept the migrant. In these cases, migrants awaiting deportation can remain in administrative detention for prolonged periods of time. Bilateral and multilateral efforts such as those mentioned above should provide for guarantees against arbitrary deportation and against possible violations or abuses upon deportation to countries of origin or third countries.

40. The Special Rapporteur notes that immigration and other officials dealing with migration matters must be properly trained in immigration law and the human consequences of detention, particularly where the grounds for detention are broad. Moreover, oversight of the application of immigration laws is needed. Gathering together separate, and at times conflicting, provisions contained in several administrative regulations or instructions and laws and clarifying and compiling these in one legislative text could help to provide better legal guidance to the relevant authorities. It would also have the effect of reducing the degree of discretion afforded to authorities.

41. The Special Rapporteur has documented numerous incidents that occurred in the process of deportation, some resulting in the death of the migrants involved. In this connection, the Special Rapporteur stresses that officials dealing with deportations must be trained to carry out their duties in a way that respects the rights and dignity of the persons involved. It should be stressed that migrants subjected to deportation procedures have most of the time only committed administrative infractions, but there is often a tendency to treat them like dangerous criminals.

42. The Special Rapporteur also emphasizes that special care must be taken with respect to children and women in the process of deportation, in order not to expose them to further risks. The Special Rapporteur has in fact documented incidents of women and children who were victims of violence and retaliation at the hands of police upon return to their countries of origin, cases of unaccompanied children who fell prey to traffickers in the process of repatriation, as well as cases of undocumented children who were arbitrarily returned to countries other than their own. Often, children who are not returned to the care of their families or communities see no choice but to seek ways to migrate again.

6. Reintegration

43. The Special Rapporteur stresses the importance of ensuring the reintegration of migrants who return to their countries, either voluntarily or involuntarily. Reintegration programmes should take into account the social and human aspect of migration, including the psychological effects of uprooting, the difficulties of reinsertion in the labour market, and problems linked to the existence of debts in the country of origin.

44. Upon their return, migrants often have no savings and few opportunities for employment. Many may have lost their skills after a long period of employment in a sector where these skills were not used. Many are forced to return to their countries prematurely and may still have debts in connection with their departure. Also, reintegration in the family is not always easy: not infrequently, spouses/partners have begun new relationships and children have suffered psychological problems owing to the absence of the parent. A dependency on migrant workers' incomes may have developed and families often do not engage in alternative income-generating activities. If the returnee finds a job, the wages are usually not enough to provide for the needs of his or her family. Often, even if migrants manage to save money and attempt to set up a business upon return, they fail because of lack of planning, training and information on business conditions in their countries. All of these circumstances frequently leave returning migrants with no choice other than to migrate again, through either regular or irregular channels.

45. The Special Rapporteur recommends the development of comprehensive reintegration programmes involving migrants, their families, Governments and civil society at large. Migrants and their families should be assisted to form organizations such as support groups and cooperatives. Migrants' communities should help in establishing business ventures and social enterprises that would generate long-term employment. Governments should help migrants to invest their savings by, for example, providing incentives for business development and business and management training. If migrants were provided with incentives to return to their countries of origin upon completion of their contracts, the chances of their overstaying their visas or work permits — thus becoming irregular migrants vulnerable to exploitation — would decrease.

46. The Special Rapporteur has observed with concern that often migrants, including those deported, return to their countries of origin without savings and without the money earned while in detention centres. Efforts should be made to combat extortion, pillage and illegal taxation.

47. The Special Rapporteur has noted that often the money earned by migrants is not used for productive activities, for example for the generation of jobs or for the development of local communities in countries or areas of origin. This can be due to several factors, including the difficulties encountered in transferring money, especially for irregular migrants, and the costs associated with it. Safe, secure and accessible means of transferring remittances should be provided. If migrant workers contribute to social security schemes, it is important to ensure that contributions and benefits can be transferred back to the country of origin, including through specific agreements between countries of origin and destination.

48. The Special Rapporteur believes that the social and psychological impact of migration on migrants and their families should also be cushioned. To this end, both States of origin and States of destination should undertake efforts to ensure better communication and contacts between migrants and their families, including by facilitating visits.

49. The Special Rapporteur suggests that Governments should also increase efforts to implement registration systems for their migrating citizens and monitor their return. That would also make it possible to monitor the problems faced by returnees, and as such to develop appropriate strategies to facilitate their social and economic integration.

7. National human rights institutions and NGOs

50. National human rights institutions, NGOs and academics can play a crucial role in the protection of the human rights of migrants by analysing national legislation, monitoring its impact on the rights of migrants and making concrete recommendations in that regard. Monitoring the implementation of national legislation by competent authorities and agencies is also crucial as often, abuses, arbitrary treatment and discrimination against migrants are justified by invoking existing legislation and/or regulations. National human rights institutions can also make very valuable contributions to the development of national policies that have an impact on the human rights of migrants. They can also encourage dialogue at the national level and raise awareness about the situation of migrants. Through campaigns and public activities, national human rights institutions can also help fight negative stereotyping and promote a positive image of migration, thereby preventing racism and xenophobia.

51. National human rights institutions and NGOs can provide legal and psychological assistance to migrants. They can assist migrants who wish to file complaints by facilitating contacts with relevant agencies and authorities. They can also assist them in legal and administrative proceedings against the authorities and monitor the evolution of individual cases. In that connection, the Special Rapporteur believes that it is important that representatives of national human rights institutions visit migrant detention centres or other detention facilities where migrants are held in administrative detention.

IV. Good practices observed by the Special Rapporteur

52. In discharging her mandate, the Special Rapporteur has come across a number of interesting initiatives, projects and activities, implemented by Governments and civil society, to address the challenges referred to in chapter II of this report. The examples mentioned below are not exhaustive. However, the Special Rapporteur believes that it is important to increase efforts to exchange information on the ways in which Governments, NGOs and international and regional organizations around the world are trying to promote respect for the human rights of migrants throughout the migration process.

Prevention of irregular migration and combating trafficking

53. In some countries in Asia, commissions or committees on irregular migrant workers have been set up to undertake studies on occupation and employment structures to determine if irregular migrants could fill the vacancies in the labour market. In follow-up to the visit of the Special Rapporteur, the Government of Mexico reported that it had implemented a Human Development Opportunities Programme for the promotion of local development in order to prevent irregular migration. The programme is inter-institutional and aims at developing capacities in the poorest communities by direct assistance in the fields of health, food and education. The Women's Institute also participates in the Programme.

54. Some interesting measures proposed to combat illegal recruitment and other practices were brought to the attention of the Special Rapporteur during her visit to the Philippines. They included the creation of anti-illegal recruitment desks in every city, the implementation of a witness protection programme, the speedy resolution of illegal recruitment cases, the creation of a pool of prosecutors to deal with such cases, a tightening of departure checks at all international airports, and the designation by the Supreme Court of special courts to hear and decide illegal recruitment cases.

55. Dialogue and international cooperation are essential in order to combat trafficking. Initiatives such as the National Seminar on the Human Rights of Ecuadorian Migrants, held in Cuenca in February 2001 and attended by representatives of civil society organizations, the Ministry for Foreign Affairs and IOM, are extremely helpful. During her visit to the Philippines the Special Rapporteur learned with appreciation that bilateral and multilateral agreements were being sought so that victims of human trafficking would not be treated as offenders. As part of the Puebla Process, a network of the immigration officials of all Central American countries was created to strengthen cooperation in the fight against trafficking. In Bangkok, an international law enforcement agency was established to serve as a regional training centre for law enforcement and to facilitate information-sharing for the suppression of transnational crime.

56. In the Philippines, the Centre for Transnational Crime has the task of formulating and implementing a concerted programme of action involving all law enforcement, intelligence and other government agencies for the prevention and control of, inter alia, trafficking in women and children, in particular through improved coordination, research, and the collection and centralization of data. Some countries have established governmental working groups to develop national strategies against the trafficking and smuggling of persons.

57. The Government of Thailand has developed guidelines for relevant agencies to be applied to women and children who are victims of trafficking, in order to establish a common understanding and standard practices among national agencies concerned. The Government of Croatia has set up a national Committee to Combat Trafficking in People. In some countries, specific plans of action have been formulated to ensure more coordination among competent ministries and departments in the fight against trafficking and smuggling. Many Governments have involved NGOs in these initiatives, including through their inclusion in ad hoc interdepartmental/ministerial groups. In Sri Lanka, NGOs, government agencies and migrants themselves have created a forum to discuss counter-trafficking measures. In Colombia, rehabilitated former victims of trafficking participate in similar efforts.

58. In the Netherlands, victims of trafficking are temporarily regularized and given protection and support so that they can decide whether to cooperate with law enforcement authorities. In Belgium, the Act on Human Trafficking provides that victims of trafficking should be granted residence permits and social assistance if they agree to testify against the perpetrators. In January 2002, the "T" visa programme for victims of trafficking was created in the United States. It is a procedure for attaining permanent residency status for certain trafficking victims who cooperate with law enforcement agencies in the prosecution of those responsible for their enslavement. After three years under this status they may apply for permanent residency. In Belgium, Italy and the Netherlands, victims are given a

reflection period and a temporary residence permit to decide whether to cooperate in the prosecution of traffickers.

59. In December 2002, ministers from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Yugoslavia agreed to improve the identification of trafficked victims, refrain from immediately expelling possible victims of trafficking, refer possible victims to shelters and provide them with social, legal and health assistance.

Consular protection

60. In view of the problems confronted by irregular migrants transiting through Mexico and of the inadequate consular representation of their countries of origin, within the framework of the Puebla Process it was decided that a Central American consulate would be established in Veracruz, Mexico. If staffed by personnel with expertise in migration questions, particularly with regard to consular protection, such consulates could considerably enhance the level of protection provided to migrants and prevent abuses and violations. Along the border with the United States, Mexican consulates keep a record of incidents in which Mexican migrants have suffered and seek reparation for the violation of their rights. Also as part of the Puebla Process, a network of consular protection was established in all Central American countries. Migration authorities and NGOs are part of this network which, among other things, favours the exchange of information and the development of policies and proposals to combat trafficking.

61. In the Philippines, the Special Rapporteur learned about the Overseas Comprehensive Social Service Package, which provides medical, legal and counselling services in identified countries with large concentrations of Filipino migrants. This involves the deployment of social workers and medical practitioners who provide services on the spot. The Government also initiated efforts to establish arrangements with counterparts and NGOs in other countries to provide assistance to Filipinos in distress, particularly women and children, who require temporary shelter, counselling, repatriation and immediate medical treatment. Also, embassies of the Philippines issue within the country travel advisories and information on labour and employment conditions.

62. One valuable initiative that was brought to the attention of the Special Rapporteur is the establishment, upon the initiative of the Ministry of Foreign Affairs of Peru, of Consultation Councils (Consejos de Consulta) in all Peruvian consulates. The object is to provide for dialogue and consultation between Peruvian communities abroad and the Head of the Consular Office on issues relating to the improvement of consular services, protection tasks and the integration of Peruvians in the communities in which they live.

Prevention of violations and protection of migrants working in the informal sector

63. In some Asian countries the law provides that the domestic worker contract govern the terms of employment, salary, rest days and medical benefits. In some cases, it is obligatory for employers of foreign domestic workers to cover their workers under personal accident insurance. Some countries have established toll-free telephone numbers to provide information to foreign domestic workers

concerning issues such as home leave, procedures for changing employers and the cost of repatriation. Information kits and handbooks are published for employers and foreign workers. Systems to better control recruitment agencies include accreditation systems, which ensure that the agencies meet minimum business and ethical standards. In Kuwait, for example, the Bureau for Domestic Workers was established to oversee agencies involved with recruitment, and specific conditions were imposed on employers, including the payment of a deposit to the competent ministry that could be used by the worker to return to his or her country. Furthermore, all suits filed by domestic workers under the Labour Code were exempt from court fees. The Special Rapporteur notes with satisfaction that in Costa Rica migrant workers, regardless of their migratory status, have access to the labour court to denounce abuses of their labour rights.

64. Efforts to build on already existing good initiatives and to strengthen protection through renewed partnership are also valuable. The Special Rapporteur participated in the Regional Summit on Foreign Migrant Domestic Workers held from 26 to 28 August 2002 in Colombo. Representatives of Governments, trade unions, NGOs and international organizations also participated in the meeting. The outcome of the meeting was the Colombo Declaration, published in December 2002. The Summit provided a very good opportunity to develop a framework for dialogue based on the principles of respect for human rights without discrimination, in order to ensure the recognition, protection and dignity of foreign domestic workers. In February 2003, ILO organized the Programme Consultation Meeting on the Protection of Domestic Workers Against the Threat of Forced Labour and Trafficking.

National migration administrations

65. The establishment of specialized groups with the task of providing information and guidance to migrants in Mexico was welcomed by the Special Rapporteur as an innovative form of protection in the management of trans-frontier migration. Also, the Special Rapporteur learned with satisfaction that the Mexican National Institute for Migration (Instituto Nacional de Migración) has initiated a campaign against extortion and abuse against migrants. It includes the creation of a web site on migrants' rights, a radio campaign for the protection of the human rights of nationals abroad and the organization of a workshop on the human rights of migrants with participants from several areas, including law enforcement and relevant government departments.

Detention/deportation

66. With respect to detention, the recommendations of the Special Rapporteur are contained in her main report to the fifty-ninth session of the Commission on Human Rights (E/CN.4/2003/85). As a follow-up to her visits and her communications with Governments, the Special Rapporteur received information that several countries were devoting resources to improving the conditions of migrants deprived of their liberty and to building migrant holding centres that are respectful of the rights and dignity of the detainees.

67. During her visit to the border between Mexico and the United States, the Special Rapporteur learned about local bilateral agreements that regulate the timetables for deporting women and unaccompanied minors in order to avoid their

deportation during the night, which would expose both groups to violence and abuse. The Government of Thailand is undertaking efforts in cooperation with neighbouring countries to ensure that children are returned directly to the care of their families or communities.

Reintegration

68. In some Asian countries NGOs have initiated interesting programmes such as videoconferences and other services to facilitate communication between migrants and their families at low cost. In Thailand, NGOs have organized training in the use of communication technologies for migrants. Also, in order to cushion the psychological effects of migration on the families of migrants, teaching modules on the situation of migrants and the positive and negative effects of migration have been used in some schools.

69. In Bohol, the Philippines, NGOs, in cooperation with municipal authorities and the central Government, initiated programmes aimed at involving the families of migrants in income-generating programmes and cooperatives for the productive investment of remittances.

70. An increasing number of countries, including Ecuador, Peru and the Philippines, have implemented programmes and established policies that facilitate the transfer of remittances at low cost and provide for a percentage of them to be devoted to productive investment in local communities, with a view to developing local capacities in migrants' communities of origin. In some cases, a fixed amount of remittances transferred through State banks is invested to increase and strengthen consular protection or to provide credit at low interest rates for the creation of cooperatives and other productive activities.

National human rights institutions

71. Some ombudsmen offices have been very active in monitoring compliance of national migration legislation with international and national human rights norms. The Ombudsman (Defensor del Pueblo) of Bolivia, for example, obtained the repeal of some provisions of the Migration Law by the Constitutional Court on the grounds that they restricted migrants' enjoyment of their fundamental rights.

72. Several national human rights institutions, including the Greek National Commission for Human Rights, have launched campaigns for the ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families. The Australian Human Rights and Equal Opportunities Commission presented proposals for human rights-informed asylum and migration management policies. The Ombudsman of Spain has also developed impressive measures for the protection and promotion of the human rights of migrants.

73. The Ombudsman of Ecuador has opened offices in the United States and in Spain in order to provide legal advice to Ecuadorian migrants residing in those two countries. The offices work in close cooperation with Ecuadorian consulates. The Ombudsman of Bolivia coordinates with the ombudsmen offices of host countries in order to facilitate the processing of individual cases. A specific agreement to that end was signed by the Ombudsman of Bolivia and the Ombudsman of Argentina.

V. Conclusions and recommendations

74. The economic contribution made by migrants to both countries of origin and of destination is widely recognized. Remittances sent to countries of origin represent a valuable and positive component of migration, particularly if they are utilized to develop local capacities in communities of origin. With the feminization of migration, many more women are leaving their homes to work abroad and represent the main source of income for their households. Nevertheless, the Special Rapporteur observes that economic benefits often overshadow the valuable social and cultural contributions of migrants. As experts concur that migration flows will grow at a rapid pace in the coming years, it is essential to place emphasis at the national and international levels on the human face of migration, taking a human rights-based approach to the phenomenon.

75. The Special Rapporteur believes that migration must not be considered only as a matter concerning national security. The involvement of the ministries of foreign affairs, health, education, social welfare and labour, as well as civil society, in the development of national migration policies and plans is necessary in order to ensure the protection of the human rights and dignity of migrants.

76. The Special Rapporteur emphasizes that increased international cooperation and dialogue for the development of human rights-informed migration policies and comprehensive, coordinated and harmonized systems of migration management are necessary to combat irregular migration, smuggling, trafficking and violations of the human rights of migrants. Such policies and systems have to take into account numerous overlapping, interconnected policy areas such as human rights, demography, trade practices, employment policies, security-related issues and development cooperation. Tackling only one or some of the aspects of the migration phenomenon without taking into account its present complex nature can represent a threat to the human rights and dignity of migrants, as well as to the integrity of the asylum regime. For this reason, it is essential that different governmental ministries and departments, civil society, national human rights institutions and international organizations all participate in efforts to address the challenges posed by contemporary migration in all its dimensions.

77. The Special Rapporteur was encouraged by the words of the General Director of IOM in his address to the Commission on Human Rights at its fifty-ninth session. The suggestion that cooperation between IOM and OHCHR should be strengthened is welcome. Strengthened cooperation between relevant international organizations, with the growing involvement of OHCHR, is the best way to ensure that human rights will be mainstreamed into the work of the international community in the field of migration. This would include cooperation in policy development, training and capacity-building, among other areas. The Special Rapporteur also notes the importance in many regions of the world of ILO programmes on labour migration, migrant women, gender equity and the prevention of trafficking and encourages greater cooperation between her mandate, OHCHR and ILO. The Special Rapporteur is also encouraged by the interest taken by the Secretary-General in the issue of migration.

78. The Special Rapporteur encourages strengthened follow-up to the recommendations of special procedures and treaty bodies concerning the human rights of migrants at the national and international levels. She welcomes the discussions initiated by OHCHR in this regard as follow-up to the Secretary-General's agenda for further change (see A/57/387).

79. The Special Rapporteur believes that in the context of strengthened cooperation, efforts should be undertaken to develop guidelines and tools to assess migration policies in the context of existing international human rights norms. Such tools should serve as a basis for the provision of advisory services and technical cooperation for capacity-building and for enhanced international dialogue and cooperation for the development of a human rights-based approach to migration. All relevant United Nations agencies and departments and international organizations should be involved in such efforts.

80. The Special Rapporteur recommends increased international assistance for wider adherence to, and implementation of, existing international instruments for the protection of the human rights of migrants. In this connection, the entry into force on 1 July 2003 of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families is a great advance towards the establishment of a comprehensive international legal framework for the protection of the human rights of all migrant workers. The Special Rapporteur recommends strengthened efforts on the part of the international community for the promotion of its implementation and its application, including by studying the obstacles to its ratification.

81. The Special Rapporteur also encourages strengthened international cooperation and dialogue for the implementation of the Durban Declaration and Plan of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the fostering of a positive image of migration and awareness of its positive potential.

82. The Special Rapporteur recommends further study of the causes of trafficking and smuggling. She also encourages OHCHR, IOM, ILO and UNIFEM to continue to undertake anti-trafficking activities and activities aimed at protecting the victims of trafficking at the national and regional levels.

83. The Special Rapporteur encourages strengthened cooperation and exchange of information among all human rights mechanisms, including all relevant special procedures of the Commission on Human Rights and treaty bodies, with regard to the situation of migrants. She welcomes in particular the exchange she had with the members of CEDAW. The recommendations, conclusions and observations of treaty bodies and special procedures should be taken into account by Governments, NGOs and international organizations in the formulation and implementation of activities, policies and programmes; they should also serve as a tool for monitoring the follow-up and progress made in the field of the promotion and protection of the human rights of migrants.

84. The present report contains specific recommendations to promote and protect the human rights of migrants throughout the migration process. The Special Rapporteur believes that the subject matter of such recommendations

merits increased discussion at the international and national levels. She also encourages international support for the collection and exchange of good practices and successful experiences in order to facilitate the development of tools for the promotion of a human rights-based approach to migration.

85. The Special Rapporteur concludes by emphasizing the need to strengthen measures to prevent irregular migration, including in countries of origin. In particular, the Special Rapporteur encourages States to ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the two Protocols supplementing the United Nations Convention against Transnational Organized Crime. She also recommends that special efforts be undertaken to combat corruption among immigration officials and eliminate impunity for trafficking and smuggling networks. The Special Rapporteur also recommends that countries of origin undertake efforts to provide adequate documentation and strengthened consular protection to their nationals abroad in order to prevent some of the violations outlined in this report.



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**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

The right to development

Report of the Secretary-General**

Summary

By its resolution 57/223 of 18 December 2002, entitled "The right to development", the General Assembly requested the Secretary-General to bring that resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions and non-governmental organizations, and to submit a comprehensive report on the implementation of the resolution to the Assembly at its fifty-eighth session.

* A/58/150.

** The submission of the present report was delayed in order to include as many replies from Governments as possible.



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I. Introduction

1. In compliance with the request contained in paragraph 33 of General Assembly resolution 57/223, the Secretary-General disseminated the resolution and sent a note verbale, dated 28 April 2003, to States, in which he solicited information to be compiled in the present report. In addition, he sent a letter, dated 10 April 2003, to relevant specialized agencies, United Nations departments, programmes and funds and other international organizations, with the same solicitation. As at 7 July 2003, replies had been received from the Federal Republic of Germany, Japan, the Republic of Cuba, the Republic of Guatemala, the Syrian Arab Republic, the Convention on Biological Diversity, the Department of Public Information, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the International Monetary Fund, the United Nations Conference on Trade and Development and the World Intellectual Property Organization. The responses, which are on file with the Secretariat, are summarized in the present report.

II. Replies received from Governments

A. Federal Republic of Germany

[Original: English]
[1 July 2003]

2. The Government of Germany stressed the critical importance of poverty eradication in the promotion and realization of the right to development. To underline its contribution to the attainment of the United Nations Millennium Development Goals, the Federal Chancellor had announced the Programme for Action 2015 — Combating Poverty: a Global Task, encompassing concrete measures for the implementation of the right to development. The following summarizes the overview of activities undertaken in that context.

3. Major issues addressed by the Programme were good governance, democracy and the rule of law at the national level. Focal areas were good governance/participatory development and corruption prevention, supporting systemic institutional changes of a preventive nature.

4. In addition, Germany made efforts to strengthen the important role and the rights of women. Apart from applying a gender perspective to its cooperation in general, Germany also financed specific measures to promote women's right to, inter alia, health and education. The work undertaken in the wake of the Fourth World Conference on Women in Beijing in 1995, namely to provide funds in support of activities to combat violence against women, encourage women's participation in political activity and provide legal advice, was being continued.

5. The Federal Republic of Germany reported that it endeavoured to direct financial means towards improving the education and health of children and young people, contributing to multilateral and civil society activities in that field.

6. In the context of HIV/AIDS, Germany reported on its technical cooperation programmes, such as health and sex education projects. The Federal Ministry for

Economic Cooperation and Development had launched an initiative to make HIV/AIDS a priority for the work of all organizations and projects in German development cooperation.

7. Germany forged public-private partnerships as a tool to promote development that not only had a sustainable effect from a development perspective, but also provided an economically viable outcome for companies.

8. Reference was made to support the New Partnership for Africa's Development and the commitments recently made in the areas of trade liberalization, debt burden and additional measures within the framework of the G-8 Africa Action Plan.

9. As an example of furthering the promotion and protection of human rights by mainstreaming them into its development cooperation, Germany referred to the right to food. The Federal Ministry for Economic Cooperation and Development commissioned the Deutsche Gesellschaft für Technische Zusammenarbeit to develop proposals for implementing the right to food and to mobilize the support of political decision makers to establish the necessary legislation and disseminate initiatives, and to make the right to food a priority of public debate.

10. Finally, the Ministry for Economic Cooperation and Development has commissioned a forthcoming study to make recommendations on how to implement the right to development further, in particular by following a rights-based approach in its development cooperation.

B. Japan

[Original: English]
[13 June 2003]

11. The Government of Japan expressed its conviction that the promotion and realization of the right to development was relevant in the context of development, but stressed its view that, at present, the concept of the right to development was not yet clear or distinct and further discussion was therefore necessary. It also expressed the belief that the right to development should be ensured for individuals in the territory of each country and that each Government should have the primary responsibility for the protection and promotion of that right. While international cooperation was important in the area of development, the Government of Japan disagreed with the legal obligation of developed countries to render assistance to developing countries.

12. As a testimony of Japan's commitment to development, the Government transmitted detailed information regarding its international cooperation activities, such as cooperation by means of official development assistance (ODA), cooperation through international organizations and cooperation relevant to human security.

13. As to cooperation through ODA, the Government underlined that Japan had been the major donor since the early 1990s, the largest until 2000 and the second largest in 2001 and 2002. It also underlined Japan's contribution to debt relief. In that respect, it had announced that it would provide 100 per cent debt reduction of ODA claims and eligible non-ODA claims owed by heavily indebted poor countries (HIPC) under the enhanced HIPC Initiative. It had also contributed significantly to

the World Bank's HIPC Trust Fund to provide funds needed for debt relief by international financial institutions.

14. With respect to Japan's cooperation through international organizations, the Government particularly drew attention to cooperation through the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO).

15. In that context the Government highlighted the role of the Japan Policy and Human Resource Development Fund. The Fund's objective was poverty reduction in developing countries, which was achieved through technical assistance and human resource development under the auspices of the World Bank. Other programmes, such as the Japan Staff and Consultant Trust Fund and the World Bank Institute Training Programme, complemented the World Bank's work. The Government of Japan also stressed the role of the Japan Social Development Fund, an untied grant facility established by the Japanese Government and the World Bank, to assist World Bank clients effectively to tackle the poverty and social consequences that resulted from the 1997-1999 global economic and financial crises.

16. Japan referred to its important IMF member's quota of Special Drawing Rights (6.26 per cent of the total). It also continued to be the largest donor, providing some 70 per cent of the external financing of the total IMF technical assistance in fiscal year 2002. Moreover, the Government pointed to the established special purpose accounts to administer contributed resources and to perform financial and technical services. They focused on assisting certain members with overdue obligations to the IMF, providing technical assistance to member countries and financing the cost of studies and the training of nationals of member countries in macroeconomics and related subjects at selected universities and institutions. Finally, the Government of Japan also drew attention to its contributions to the Poverty Reduction and Growth Facility (PRGF) and PRGF-HIPC Trusts.

17. With regard to Japan's Trade-Related Technical Assistance, the Government pointed to its future contribution to the WTO Global Trust Fund, which would enable the delivery of technical assistance (the 2003 WTO Technical Assistance Plan) to all developing countries. It also listed some capacity-building activities, such as seminars on trade and investment, or trade facilitation.

18. Finally, the Government of Japan had endorsed human security as a concept of international cooperation in the twenty-first century. Its related activities included the establishment of the Trust Fund for Human Security in the United Nations, with the objective of translating the concept of human security into concrete activities by supporting projects that address, from the viewpoint of human security, various threats to human lives, livelihoods and dignity, including poverty, environmental degradation, conflicts, landmines, refugee problems, illicit drugs and infectious diseases such as HIV/AIDS. In addition, Japan had called for an international commission on human security to deepen the concept of the human-centred initiatives. The Commission on Human Security had been established in 2001 and one area of its final report dealt with the links between human security and development. The Government of Japan had also incorporated the concept of human security into its Grant Assistance for Grassroots Projects programme.

C. Republic of Cuba

[Original: Spanish]

[1 July 2003]

19. The Government of Cuba expressed the particular importance it attached to the subject, especially the need to take practical, long-term and effective measures at both the national and international levels to ensure the full implementation of the Declaration on the Right to Development.

20. In the view of the Government of Cuba, some developed countries were trying to redefine the right to development as a personal right and utopian aspiration for the future in an attempt to evade their responsibilities to solidarity and international cooperation and ultimately to continue delaying indefinitely the full realization of that right.

21. Cuba pointed out that several global conferences and summits held in the 1990s had recognized that the underdeveloped countries had implemented policies and programmes to achieve development, but that their national efforts had been increasingly affected by a number of international restrictions, forces and influences that were beyond the control of their Government.

22. Commitments had been made to change international trading, financial, technological and economic systems and relationships so as to make them transparent, open, equitable, democratic, predictable and non-discriminatory. However, nearly all the commitments made, and all the most important ones, had yet to be implemented.

23. Among the main obstacles at the international level, the Government of Cuba mentioned:

(a) International trade, in particular protectionist tariff and non-tariff barriers and the effects of unequal terms of trade and unfair competition through subsidies;

(b) The failure of the developed countries to fulfil their commitment to devote 0.7 per cent of their gross national product to official development assistance;

(c) The decrease in and geographical concentration of global direct investment;

(d) External debt, leaving the economies of the respective countries in a permanent state of undercapitalization;

(e) Neoliberal globalization, depriving most underdeveloped countries not only of the autonomy which they need to take decisions on development policies appropriate to their circumstances, but also of the means, options, policy alternatives and instruments that had been available to the developed countries themselves at a similar stage of their development.

24. The Government of Cuba underlined the fact that the most serious and immediate threats to the right to development were posed by wars and rising military spending in the arms race and referred in that context to the current United States Government.

25. The Government of Cuba stressed that there could be no development without peace and no peace without development; it would not be possible to put an end to terrorism and conflict unless the effective realization of the right to development was guaranteed. The international community needed to declare a worldwide war against underdevelopment, hunger, poverty, illiteracy and diseases such as AIDS.

D. Republic of Guatemala

[Original: Spanish]
[7 July 2003]

26. The submission of the Government of Guatemala focused on the action taken by the Government for the full realization of the right to development in 2002 and 2003, underlining the achievements in 2002 and including an outline of future action.

27. The Government stated that its Poverty Reduction Strategy paid particular heed to rural areas and gave priority to food and nutritional security programmes in the most vulnerable municipalities. The Department of Agrarian Affairs had been set up, with the responsibility to coordinate Central Government bodies and to guide the formulation, consideration, promulgation and implementation of a rural development policy, including education, vocational training, technical assistance and loans for marketing, as well as the freedom of production of the rural population. Particular emphasis was laid on land ownership in that respect.

28. The Government reported that it had assigned an important role to guidelines and actions to counter malnutrition in its various forms, as one of the symptoms of the scourge of poverty. To that end, it sought to coordinate the efforts undertaken by government bodies, civil society and the international community. Government activity was guided by the objectives to heighten institutions' awareness of the issue; adopt a set of criteria and strategies to deal with it; and give priority to action to assist the country's most vulnerable groups and geographical areas. The Government had established the National Food and Nutrition Security Council, with the purpose of identifying comprehensive and systematic criteria to deal with the problem, defining responsibilities and working out agreements among entities carrying out preventive, corrective and support activities, in an effort to eliminate acute malnutrition and reduce chronic undernourishment.

29. Another effort to combat poverty had been to introduce minimum wages. That measure was part of a wider effort to initiate labour reform, aiming at effectively protecting wage earners and making it possible to respect the minimum wage, collective agreements on working conditions, the freedom to form and join a trade union and the right to strike.

30. Efforts to combat poverty were combined with promoting sustainable conservation and exploitation of natural and cultural assets through decentralized, participative environmental management. Actions had been taken to reduce water, air and soil pollution levels, abate noise and remove eyesores. For that purpose, regulations and monitoring mechanisms had been introduced, also promoting the ability and financial capacity of municipalities and the private sector to handle and dispose of solid waste and dangerous substances from hospitals.

31. Regarding the right to health, the Government focused on the provision of free services. It had adopted the Social Policy Master Plan 2000-2004 and the National Health Plan 2000-2004, extending the coverage of services, paying special attention to the poorest and most excluded population groups. Special importance was paid to the Integral Health Care System, attempting to widen coverage by means of agreements with non-governmental organizations looking after traditionally marginalized sections of the population.

32. As to the housing shortage, the Government had devised a policy resting on the principles of subsidiarity and solidarity in a self-management and self-help system. The Government had set up the "Roof and Floor" and "Minimum Roof" programmes, through which beneficiaries were supplied with building materials so that they could construct a dwelling. Other activities undertaken related to the legal machinery to facilitate housing schemes, actions to legitimize ownership of building sites occupied by persons living in shanty towns and the creation of the Guatemalan Housing Fund, facilitating subsidies to low-income families to finance the purchase, construction, extension, improvement or repair of a dwelling.

33. The Government also referred to decentralization of State powers, aiming at delegating decisions, administration and resources, as an effort to strengthen and further participative democracy and democratic institutions and a contribution to human development.

34. The Government's outline of future action included, in the economic field, the challenge to arrive at a growth strategy where stability is rooted in the enhanced capacity of the international financial system to prevent and manage the crisis, to devise complementary macroeconomic policies with a stronger preventive aspect, to expand exports faster, to improve the terms of access to international financial markets, to build up the level of foreign reserves and to promote the country's financial development. In the social field, the Government underlined the necessity of a process of affirmative action, promoting the interests of marginalized peoples and segments. In the political field, it underlined the need to respect human rights unconditionally, consolidate its friendly relations with the international community and strengthen machinery to implement its human rights policy.

E. Syrian Arab Republic

[Original: Arabic]
[22 May 2003]

35. The Syrian Arab Republic emphasized its support to the resolution entitled "The right to development" because it believed that the right to development was an inalienable human right, that equality of opportunity for development was a prerogative both of nations and of individuals and that the human person was the main beneficiary and central subject of development. In that context, it affirmed the need for urgent measures to be taken in order to give effect to the aims and objectives proclaimed by all major conferences, summit meetings and special sessions of the United Nations, including those set forth in the United Nations Millennium Declaration.

36. The Syrian Arab Republic also stressed the importance of eliminating the barriers to economic development through the continued endeavours of the

international community to create a climate conducive to international cooperation and equitable economic relations. Moreover, it affirmed the importance of ensuring that the open-ended working group on the right to development continued to give priority to the operationalization of the right to development and to the elaboration and implementation of a convention on the right to development.

37. Finally, the Syrian Arab Republic underlined that those aims and objectives required the willingness to achieve them in such a manner as to promote the comprehensiveness and interdependence of human rights, at the forefront of which was the right to development.

III. Replies received from specialized agencies, United Nations departments, programmes and funds, and other international organizations

A. Convention on Biological Diversity

[Original: English]
[14 May 2003]

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38. The secretariat of the Convention on Biological Diversity gave an overview of its activities contributing to the implementation of General Assembly resolution 57/223. It recalled that the three objectives of the Convention were the conservation of biological diversity, the sustainable use of the components of biological diversity, and the fair and equitable sharing of benefits arising from the utilization of genetic resources. The secretariat stressed that implementation of those objectives was important for realizing the right to development and suggested that the resolution on the right to development could make reference to the role of biodiversity or the environment in general as a basis for development.

39. With regard to the outcomes of the fourth Ministerial Conference of the World Trade Organization (WTO)¹ and the International Conference on Financing for Development,² the secretariat referred to its contribution to the examination of the relationship between the Agreement on Trade-Related Aspects of Intellectual Property Rights, the Convention on Biological Diversity and the protection of traditional knowledge and folklore through background documentation for relevant WTO committees and participation in the WTO Committee on Trade and Environment information sessions on Multilateral Environment Agreements. The secretariat also mentioned the Convention's activities on financing for biodiversity conservation and sustainable use, such as the successful work of the financial mechanism of the Convention, the Global Environment Facility, the recent decision of the Conference of the Parties to explore opportunities for a global initiative on banking, business and biodiversity, and the examination of the possibility of debt for nature initiatives.

40. With regard to obstacles impeding the full realization of the right to development, the secretariat pointed out that article 7 (c) of the Convention called upon each Contracting Party to identify processes and categories of activities which have or are likely to have negative impacts on the conservation and sustainable use

of biological diversity, which ultimately contributes to identifying obstacles for the full realization of the right to development.

41. Concerning the impact of international economic and financial issues, such as international trade, access to technology, good governance and equity at the international level and the debt burden, on the enjoyment of human rights, the secretariat referred to a study on the incentive effects of domestic support measures for the conservation and sustainable use of biodiversity, to the forthcoming meeting of the Conference of the Parties where technology transfer and cooperation would be an issue for in-depth consideration and to the recently adopted Bonn Guidelines on Access and Benefit Sharing.

B. Department of Public Information

[Original: English]
[19 June 2003]

42. The Department of Public Information gave an overview of its activities promoting the right to development, undertaken as part of an overall strategy aimed at the realization of the Millennium Development Goals. It referred in particular to information programmes related to poverty eradication, conflict prevention, sustainable development, the HIV/AIDS epidemic, the battle against international terrorism and the needs of the African continent. Effective coverage of United Nations human rights and development activities, as well as worldwide distribution of relevant information material, was ensured through a multimedia approach, including, inter alia, the production of printed materials, making material available on the Internet, radio and television programmes, press conferences, press briefings and special events, and activities with educational organizations and non-governmental organizations.

C. Food and Agriculture Organization of the United Nations

[Original: English]
[5 June 2003]

43. The Food and Agriculture Organization of the United Nations drew attention to the centrality of adequate food and nutrition for human existence and development. In that context, it mentioned the important work currently under way within an intergovernmental working group on elaborating a set of voluntary guidelines to support member States' efforts to achieve the progressive realization of the right to adequate food in the context of national food security. The purpose was seen as assisting countries to identify ways to implement and realize the right to adequate food as a means of achieving food security for all.

D. International Labour Organization

[Original: English]
[8 May 2003]

44. The International Labour Organization (ILO) referred to its previous submissions concerning its work for development. The Secretary-General would like to recall in that context the statement made by ILO during the fourth session of the Open-ended Working Group on the Right to Development, focusing on an assessment of ILO experience with Poverty Reduction Strategy Papers.

E. International Monetary Fund

[Original: English]
[13 June 2003]

45. The International Monetary Fund (IMF) provided a summary of its activities in support of the development efforts of its low-income members. The Fund's primary involvement was, together with the World Bank, through the Poverty Reduction Strategy Paper (PRSP) approach, the central country-level vehicle for making progress towards the Millennium Development Goals. The Fund supported low-income countries' efforts to develop and implement those strategies through policy advice, technical assistance and financial assistance supported by the Poverty Reduction and Growth Facility, by focusing on macroeconomic policies and the support of institutions that were critical to growth, by strengthening public expenditure management and revenue mobilization and by promoting sound national financial sectors and a stable international financial system.

46. The Fund was also working jointly with the World Bank to implement the enhanced Heavily Indebted Poor Country Initiative. In addition, it supported the Doha Development Agenda, pressed for better market access for low-income countries in its multilateral and bilateral surveillance operations and helped to ensure inclusion of trade policy considerations in PRSPs.

47. With a view to harmonizing the procedures and practices of donors more effectively, good practice principles were adopted at the High-Level Forum on Harmonization. Those principles aimed to ensure that development assistance supported the priorities of the recipient country, donors committed to adopt internal procedures to facilitate harmonization and that donors provided coordinated technical assistance and generally empowered recipient countries to lead the harmonization effort.

48. The Fund also worked with the United Nations to support monitoring of the achievement of the Millennium Development Goals, such as by participating in the inter-agency working group that had developed a set of goal-monitoring indicators and participating in the United Nations Experts Group that had been established to play an oversight role during the implementation of the Millennium Project. The Fund and the World Bank had also proposed a framework for monitoring the policies and actions needed on the part of developing and developed countries and international institutions to achieve the Millennium Development Goals.³

49. In addition, the Fund and the World Bank had been exploring options to respond to concerns by some members about the adequacy of the voice and representation of developing and transition countries. The Executive Boards of both institutions had recently approved steps to enhance the administrative capacity of the Executive Directors' offices. During the forthcoming Thirteenth General Review of Quotas, the Executive Board would continue to monitor closely and assess the adequacy of Fund resources. Quota distribution issues, including issues related to the quota formulas and the role of basic votes, would also be examined by the IMF Executive Board.

F. United Nations Conference on Trade and Development

[Original: English]
[18 June 2003]

50. The United Nations Conference on Trade and Development (UNCTAD) outlined some of its activities relevant to the realization of the right to development. The work and publications of the Division on Globalization and Development Strategies touched directly on a number of the themes raised in General Assembly resolution 57/223, such as the comprehensive and substantive analysis of the external debt and debt-servicing problems of the developing countries (see A/57/253), and the *Trade and Development Report, 2002* (UNCTAD/TDR/2002), which examined some newly emerging biases and inconsistencies in the trading system linked to the emergence of international production systems organized by large international corporations. In that context, the UNCTAD secretariat highlighted the finding that many developing countries were trading more but earning less from such activities, which raised important questions about the structure of the trading system as it impacted on development prospects and the appropriate policy agenda to bring about a fairer trading system.

51. UNCTAD referred to its work on Africa, which provided a careful examination of Poverty Reduction Strategy Papers, in particular to the report entitled "From Adjustment to Poverty Reduction: What is New?" (UNCTAD/GDS/AFRICA/2). That report commended the inclusion of a wider range of social goals in the design of such papers as well as efforts to establish a more participatory approach. However, the report questioned their likely effectiveness in light of the economic policy advice that continued to underpin those papers.

52. Finally, UNCTAD reported on a new initiative to assist the least developed countries in identifying governance-related obstacles to foreign investment and introducing instruments and practices that promoted accountability and transparency in the successive stages of the investment process.

G. World Intellectual Property Organization

[Original: English]
[12 May 2003]

53. The World Intellectual Property Organization (WIPO) sent information on some of its recent activities undertaken within the framework of its Cooperation for Development programme.

54. The organization's Cooperation for Development programme focused on assisting developing countries to optimize the use of the intellectual property system for their economic, social and cultural benefit. WIPO drew attention to its institution-building, training and legal advice activities. Reference was also made to the introduction of the Cooperation for Development web site in 2001 (<http://www.wipo.org/cfd/en/index.html>).

55. WIPO reported on its country or region-specific actions plans, established jointly with individual Governments, aiming at helping them to establish more efficient management and use of the national intellectual property system. WIPO also reported on its training activities, partly undertaken under the aegis of the WIPO Worldwide Academy, providing, inter alia, information on the role of intellectual property in economic, social and cultural development.

56. Other activities included assistance to developing countries in preparing new or updated intellectual property laws in compliance with current international standards, and the Collection of Laws for Electronic Access, an electronic database of intellectual property legislation, containing full legislative texts in the field of intellectual property and bibliographic references related to each text.

Notes

¹ See A/C.2/56/7.

² See *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7).

³ *Achieving the MDGs and Related Outcomes: A Framework for Monitoring Policies and Actions* (DC/03/3, 3/26/03).

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**Environment and sustainable development: International
Strategy for Disaster Reduction**

**Implementation of the International Strategy for
Disaster Reduction****Report of the Secretary-General*****Summary*

The International Strategy for Disaster Reduction is the centrepiece of the United Nations efforts to address the causes of the disasters, which continue to devastate and impede the development of many countries. The Strategy's approaches are increasingly utilized to guide commitments and action by United Nations agencies and Governments, in pursuance of General Assembly resolutions 56/195 and 57/256. The present report provides an overview and updated information since last year's report (A/57/190) on the implementation of the Strategy, which is carried out by numerous international actors guided by the Inter-Agency Task Force on Disaster Reduction and the inter-agency secretariat of the Strategy. Highlights this year include follow-up to the decisions of the World Summit on Sustainable Development concerning risk assessment and disaster reduction, fostering partnerships to improve synergies and clarify roles between agencies, and addressing the issue of the impact of extreme weather events and the synergies between the adaptation to climate change and disaster reduction.

However, progress in implementing the Strategy is set against the backdrop of increased losses from natural hazards and related environmental and technological disasters. Over the first half of 2003, thousands of human lives were lost and great economic damage resulted from disasters such as earthquakes, floods and heat

* A/58/150.

** The present report was submitted on 12 August 2003, after extensive consultations with the United Nations agencies, funds and programmes and other organizations involved in its finalization.



waves. Data on disasters are often ill-defined and incomplete, which hinders accurate analysis. Nevertheless, global summaries for 2002 report the occurrence of more than 500 disasters, with more than 10,000 people killed, 600 million people affected, \$55 billion in total damages and \$13 billion in insured losses.

The World Summit on Sustainable Development reinforced awareness of the need for risk and vulnerability reduction in order to secure sustainable development, and the imperative for development sectors to channel investment into disaster reduction activities. This is a major new challenge, since most resources for disaster reduction at present are drawn from the humanitarian sector; thus, the effect on development decisions and poverty reduction strategies is very limited.

The underlying problems of growing vulnerability to hazards are largely an outcome of development activities. Through myriad decisions being made every day at the local and international levels, the risk burdens of countries are being modified and inadvertently compounded. More work is needed to improve social protection targeting vulnerable communities in pursuance of the Millennium Development Goals.

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I. Activities carried out in support of the International Strategy for Disaster Reduction

1. The vision of the key partners is that the International Strategy for Disaster Reduction should continue to become a more visible, recognized and flexible instrument for reducing the risk of and vulnerability to natural hazards and related environmental and technological disasters. In a relatively short period, the Strategy has made major contributions to raising awareness of the issues and developing accessible information and tools. It has attracted increasing attention and support from Governments and key expert institutions. The outcome of the World Summit on Sustainable Development has provided the Strategy with a concrete set of objectives within the sustainable development agenda to which both the Inter-Agency Task Force for Disaster Reduction and the inter-agency secretariat of the Strategy, along with partners, will increasingly turn their attention and capacities in order to integrate and mainstream risk reduction into development policies and processes. The dual aims will be to reduce disasters and to secure development that lowers rather than increases disaster risk. The task is enormous and urgent. Much still needs to be done to increase the awareness and commitment of Governments, business leaders, communities and financial institutions in relation to the specific social and economic advantages of investing in reducing risk and vulnerability.

2. The Task Force and the International Strategy for Disaster Reduction secretariat act as the main institutional mechanisms of the Strategy, and have continued to consolidate their roles. Through these platforms, relevant international, regional and civil society organizations are interacting and building processes to develop common understanding and approaches, to work on shared activities and projects, to guide and monitor progress and to periodically report on achievements and gaps to be addressed. Substantive advice and support are being provided to Governments and other institutions concerned with disasters. Specific technical documents and awareness and educational materials have been developed and are reaching further into communities living in disaster-prone areas. Although the Strategy is still in its early stages, it has demonstrated very great potential for progress, and Governments and institutions can use it as a platform to increase investment.

3. An initiative is currently under way to expand, revitalize and strengthen national platforms for disaster reduction, in particular with the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery and United Nations country teams.

4. In order to help raise resources and provide support to the Strategy secretariat, an informal support group of donors was created under the leadership of the Swiss Government, with the full support of the Under-Secretary-General for Humanitarian Affairs. Under their co-chairmanship, the support group, consisting of the most interested Member States, met three times. That initiative led to increased ownership of the cause and a subsequent increase in the number of countries providing contributions to the Trust Fund for Disaster Reduction. New contributions were made by the Governments of Austria, Cyprus, Finland, Iceland, Italy and Norway as well as by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO). In addition, support continued from the Governments of Germany, Japan, the Philippines, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Financial support was also

provided by the World Bank through the United Nations Office for Project Services and the Agence de la Francophonie. Although the number of contributors has increased, it must be noted that financial constraints still exist. Greater financial stability is imperative in order for the Task Force and the Strategy secretariat to cover their core requirements and carry out their mandates.

A. Follow-up to the World Summit on Sustainable Development

5. The World Summit on Sustainable Development provided a timely reminder to the international community that faulty development and inappropriate use of resources are factors that contribute to natural disasters. The Johannesburg Plan of Implementation includes commitments relating to disaster and vulnerability reduction and improved early warning in the sections on protecting and managing the natural resource base of economic and social development, Africa, small island developing States and means of implementation.

6. As requested by the General Assembly in its resolution 57/256 of 20 December 2002, Member States should provide support for the activities of the Commission on Sustainable Development in its efforts to review advances in reducing the negative impacts of natural hazards on communities and development processes. At its eleventh session the Commission adopted the themes of disaster management and vulnerability as those to be reviewed in its fifth cycle (2014-2015). In the light of the cross-cutting nature of the issues, risk management and vulnerability will also be examined in the context of other thematic clusters of the Commission, such as water, sanitation and human settlements (2004-2005) and drought and desertification (2006-2007). In support of this work, the Task Force identified development planning and allocation of adequate resources to reduce vulnerability as one of its main areas of concern in coming years. The Strategy secretariat will continue to collaborate closely with the United Nations Department of Economic and Social Affairs to support the Commission's work on this subject. An increased formal collaboration between the Strategy secretariat and the Department of Economic and Social Affairs is foreseen in the coming year.

7. Other organizations have also significantly expanded the breadth and scope of their activities in the follow-up to the World Summit on Sustainable Development and in support of efforts by Member States to implement the Johannesburg Plan of Implementation. Some of the partnerships launched at the Summit in the area of early warning and disaster preparedness, involving the Strategy, have reported on progress as set out below.

8. The partnership for integrating early warning and disaster risk management into the sustainable development agenda and practice builds on continuing work within the Strategy framework on early warning, and particularly within the Task Force working group on early warning, led by UNEP. The Second International Conference on Early Warning (Bonn, October 2003) is expected to formulate recommendations on how to consolidate a global programme to integrate early warning into public policies. These recommendations are expected to be a major contribution to the action programme to be adopted by Member States at the Second World Conference on Disaster Reduction.

9. The partnership for integrating prevention of, preparedness for and response to environmental emergencies in support of sustainable development, led by the Office

for the Coordination of Humanitarian Affairs (OCHA) and UNEP, makes use of existing resources and distributes responsibilities and efforts among partners and key stakeholders. The practical implementation aspects of this partnership are being explored. The partnership benefited from the support of the Advisory Group on Environmental Emergencies and the Senior-level Expert Advisory Group Meeting on the UNEP Awareness and Preparedness for Emergencies at the Local Level programme.

10. The partnership for establishing resilient communities, led by the International Council for Local Environmental Initiatives, aims to operationalize the concept of resilience for local Agenda 21 programmes, particularly to scale up responses to natural, industrial, social and economic disasters; introduce policies, tools and methods developed in the disaster risk management community; and apply the knowledge from disaster management know-how to a broad spectrum of vulnerabilities, including environmental change, economic losses, industrial accidents and social violence. Work is under way to identify cities and resources to engage in the implementation.

11. The Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has endorsed a main line of action devoted to enhancing disaster prevention and preparedness as a follow-up to the World Summit on Sustainable Development. Activities aim to capitalize on previous achievements in disaster mitigation and to promote an interdisciplinary approach to natural hazards, the application of science and technology to reduce the impact of natural hazards, multidisciplinary education and training, and disaster awareness of policy makers, community leaders and the public.

12. At its Fourteenth World Meteorological Congress, WMO established a new cross-cutting programme on natural disaster prevention and mitigation, which aims to ensure coordination within WMO programmes and activities on the subject, as well as to provide increased WMO support to the implementation of the Strategy. At the same Congress a new project on natural disaster reduction in coastal lowlands was approved in response to requests made at the Summit. New initiatives from the various programmes of WMO have been included in the Sixth WMO Long-Term Plan (2004-2011). WMO is also involved in regular El Niño monitoring and in the strengthening of the International Research Centre for El Niño, in collaboration with the Government of Ecuador and the Strategy secretariat, in addition to chairing the Task Force working group on climate and disasters. Projects on establishing a climate alert system and on linking climate and disaster databases on floods are being prepared.

13. The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) has been especially active in supporting Member States in the follow-up to the World Summit in the area of flood management and within the ESCAP/WMO Typhoon Committee and Panel on Tropical Cyclones, to strengthen regional cooperation.

14. UNEP has further developed its strategic policy on emergency prevention, preparedness, assessment, mitigation and response. An analysis of causes and long-term environmental impacts of emergencies and the possible implications for Governments and the international community led to strengthened mandates at the last session of the Governing Council.

B. Review of the work of the Inter-Agency Task Force for Disaster Reduction

15. The review of the activities of the Inter-Agency Task Force for Disaster Reduction,¹ as requested by the General Assembly in its resolution 56/195 of 21 December 2001, was carried out through consultations with participating organizations. The Task Force has met seven times since 2000. The first two meetings identified priority areas and clarified the roles of participating members.² Working groups were established on climate and disasters, chaired by WMO; early warning, chaired by UNEP; risk, vulnerability and impact assessment, chaired by UNDP; and wildland fires, chaired by the Global Fire Monitoring Centre. An ad hoc discussion group on drought was also established. Additional technical and expert bodies are associated with the work of the Task Force through their participation in the working groups. Furthermore, at its third meeting the Task Force adopted a framework for the implementation of the International Strategy for Disaster Reduction as a "living document", which helped to clarify the role of the Task Force vis-à-vis the Strategy secretariat and other partners.

16. The review concluded that the Task Force represents an essential process to enable the international community to develop a better understanding of and strategic direction on disaster reduction as a long-term undertaking. This has been facilitated by the varied composition of the Task Force membership, which includes representatives of United Nations, regional and civil society organizations. The open and inclusive nature of Task Force meetings has enabled a number of Member States and interested organizations to participate in the work of the body. The Task Force appears to be evolving into the hub of a larger network of organizations and entities, from within and outside the United Nations system, having a stake in disaster reduction.

17. The Task Force's various expert consultations, meetings and activities have brought concrete results and even new offshoots to the international disaster reduction community (details of which are contained in the reports of the Task Force meetings, available at www.unisdr.org). At its 7th meeting, in April 2003, the Task Force discussed the nature and prospective role of its working groups, as well as the appropriate balance between the role of the Task Force as an international forum for discussion and the need to produce tangible guidelines and results-oriented products for the benefit of the disaster reduction and development community. The result of the review of the Yokohama Strategy will provide future direction for this work. In the meantime, a transitional programme of work for 2004 includes support for the development of a framework for guidance and monitoring of disaster risk reduction; urban risk and vulnerability; integration of disaster reduction in sustainable development; linking climate change adaptation and disaster reduction; and special attention to Africa.

18. Through the review, Task Force members also identified a number of weaknesses and shortcomings to be addressed, including the need to:

- Adopt a more strategic role and focus on devising strategies and policies and identifying gaps in disaster reduction policies and programmes
- Raise the profile of disaster reduction within the United Nations and obtain support from the regular budget, and to ensure the transition and connection

between the relief and humanitarian system and the development sectors under a sustainable development approach

- Ensure that the work carried out by the working groups provides specific advice on the integration of their various subjects and products into policy development and integration processes, with a client-oriented approach to help decision-making and to guide disaster reduction, while keeping in sight other less urgent but equally important areas of work. These can be addressed through ad hoc mechanisms involving a few interested Task Force members
- Include organizations representing local authorities and those whose core work relates to sustainable development. The Task Force also needs to enhance its political profile and visibility.

The review concluded that the Task Force has made a positive and substantive contribution, despite the limited funds available to support its activities.

C. Global review of disaster reduction initiatives and achievements since the adoption of the Yokohama Strategy

19. In pursuance of General Assembly resolution 57/256, the Task Force and the Strategy secretariat initiated the review of the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action³ to examine achievements in the implementation of disaster reduction, identify gaps and prepare recommendations for future priorities to guide action by Member States. The review takes into account several relevant processes, such as the Johannesburg Plan of Implementation, the 10-year review and preparation of follow-up actions to the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States and the launching of the United Nations Decade of Education for Sustainable Development (2005-2014).

20. An important development for the review is the proposed framework for guidance and monitoring of disaster risk reduction. The goal of this new framework is to increase the understanding and effectiveness of disaster risk reduction practices through a participatory process and building on existing praxis. It aims to specify the main elements and principles of disaster reduction, in order to guide action and to define benchmarks and other indicators that can be used to monitor efforts and assess progress. The Strategy secretariat, with UNDP, has convened a broad-based Internet consultation with experts worldwide. The Task Force will assist and advise on the process, with several individual Task Force members being directly involved in the process, in addition to the ProVention Consortium.

21. The Strategy secretariat will soon be requesting national and regional reports on progress, achievements and shortcomings in the realization of disaster reduction. A series of regional and thematic consultations are already being held in association with conferences organized by partner organizations. The first regional consultation was held in Asia, hosted by the Government of Japan, at Hyogo Prefecture, in January 2003. The South Pacific island States discussed achievements, shortcomings and requirements for the future in a meeting hosted by the South Pacific Applied Geoscience Commission (SOPAC) in Fiji in May 2003, and the Euro-Mediterranean Forum on Disaster Reduction will do likewise in Madrid in October 2003. Several other thematic and regional consultations will be taking place in 2003 and 2004.

Available results will be presented in the 2003 edition of the Strategy's flagship publication, *Living with Risk: A Global Review of Disaster Reduction Initiatives*, and will be updated in the 2004 edition.

22. The review of the Yokohama Strategy and the outcome of the Second International Conference on Early Warning are expected to provide substantive justification for renewing and elevating political commitment towards disaster reduction and to motivate further actions of Governments and communities through an expanded programme for the period 2005-2015, to coincide with the targets of the Millennium Development Goals and the Commission on Sustainable Development. This programme should be discussed and adopted at the Second World Conference on Disaster Reduction, which will bring together technical experts and delegates from Member States, tentatively to be held in Japan in January 2005.

D. Additional partnerships

23. Pursuant to requests from the General Assembly, progress has been made in engaging additional partner organizations to improve the implementation of the Strategy. Partnerships are crucial to the Strategy secretariat. Several agreements were reached, covering issues such as urban risk (with the United Nations Human Settlements Programme (UN-Habitat)); study of the interface between natural and technological disasters (with the European Commission Joint Research Centre); the impacts of climate variability and change (with the International Research Institute for Climate Prediction); and support for public awareness, education and policy integration for disaster risk reduction at the national level through consolidation of multisectoral platforms for disaster reduction at national and regional levels (with the Central American Centre for Coordination of Natural Disaster Prevention (CEPREDENAC)). A number of other agreements are being prepared with several other regional organizations in Latin America and the Caribbean, Africa, Asia and the Pacific.

24. The International Consortium on Landslides and the International Programme on Landslides were established in November 2002 to promote international coordination on landslide issues. The Strategy secretariat participated in the preparation and steering committee of the Consortium, along with UNESCO, WMO, the Food and Agriculture Organization of the United Nations and the Governments of Canada, Italy, Japan, Norway and the United States of America. Twenty-five projects relating to fundamental research on landslides; a global database on landslide hazard assessment; landslide risk mitigation; cultural and societal aspects; and capacity-building, communication and information were selected for implementation.

25. The Strategy secretariat continued to collaborate closely with the ProVention Consortium, a project-oriented global coalition and flexible network of Governments, international organizations, academic institutions, the private sector and civil society organizations. The physical proximity of the ProVention secretariat, which was recently transferred to the International Federation of Red Cross and Red Crescent Societies (IFRC) in Geneva, will further enhance the working relationship between the Strategy secretariat, UNDP, OCHA and IFRC.

26. Moreover, in line with efforts to enhance coordination within the United Nations system, UNDP, OCHA and the Strategy secretariat undertook a preliminary self-assessment of their natural disaster-related activities. In addition to identifying specific areas of synergy and enhancement of practical work among the three entities, in particular to support regional and national capacities, this exercise led to greater collaboration and understanding of their principal roles and functions, namely:

- OCHA as the coordinating body for international humanitarian assistance
- the Strategy secretariat as the coordinating body for the implementation of the International Strategy for Disaster Reduction and of disaster reduction policy and advocacy at the international level
- UNDP as the organization for national capacity-building in disaster reduction and support for humanitarian coordination at the national level through the Resident Coordinator system.

It is expected that this tripartite arrangement will evolve further to encompass other key partners, such as IFRC and the Inter-Agency Standing Committee members, through the creation of a task force on natural disasters within the framework of the Standing Committee.

E. Regional outreach

27. Regional outreach is central to the implementation of the Strategy because it is a means to introduce best practices through policy integration, advocacy and information-sharing, to help foster and strengthen cooperation on disaster reduction among existing regional stakeholders, to federate and cross-fertilize them and to lead to the enhancement of regional partnerships. Progress has been most notable in Africa.

Africa

28. Africa is subjected to a variety of natural disasters, especially large-scale floods, drought and associated food insecurity, tropical storms and volcanic eruptions, which not only cause considerable losses but also exacerbate other chronic problems of the region, such as poverty, conflicts and HIV/AIDS. The Strategy secretariat launched an African outreach programme in October 2002, with a staff member hosted by UNEP in Nairobi. In collaboration with the UNDP disaster reduction regional adviser and other regional experts, the African programme is working closely with a range of entities and is actively contributing to events relating to disaster reduction, providing multilevel advocacy on the linkages among disaster reduction, environmental protection, climate change, poverty alleviation and sustainable development. This has been targeted at policy makers and managers at the regional, subregional and national levels. Work in disaster reduction is picking up momentum and more effort is being made to link disaster risk management to important regional frameworks such as the New Partnership for Africa's Development.

29. The African outreach programme also provides opportunities for consultation and exchange of knowledge and information — for example through the web site www.unisdrafrica.org and a biannual publication on disaster reduction in Africa, and

in response to direct requests from many subregional actors. An educational series for public awareness, produced jointly with the Drought Monitoring Centre in Nairobi, has elicited positive feedback from teachers and requests for more information.

30. The African programme has promoted cooperation and collaboration in mainstreaming gender concerns in disaster reduction in Africa. At a recent meeting of European and African women professionals and business executives, the programme presented a well-received proposal to work with women in Africa to carry out a joint study on early warning practices from a gender perspective and co-organized a regional conference on the gender perspective in disaster reduction and sustainable development.

31. A strategy to support the development of national capacities and platforms for disaster reduction is being prepared with UNDP. International Strategy for Disaster Reduction national platform workshops were held in Djibouti, Uganda and Madagascar. Initial consultations were carried out with the Economic Community of West African States and the Southern African Development Community on cooperation in areas of advocacy, information management and policy development for disaster reduction.

Latin America and the Caribbean

32. The outreach programme for Latin America and the Caribbean, based in Costa Rica in joint offices with the Pan-American Health Organization (PAHO), was consolidated in the course of 2003. Strengthening capacity for the more effective regional implementation of the Strategy at various levels has been at the core of collaborative efforts with UNDP, OCHA and subregional partners such as CEPREDENAC, the Caribbean Disaster Emergency Response Agency (CDERA), the Association of Caribbean States, the Community of Andean Nations, the Andean Development Bank and the newly established Andean Committee for Disaster Prevention and Response.

33. Addressing the needs of local communities at high risk, outreach in Latin America and the Caribbean has continued to focus on developing innovative awareness and educational tools and partnerships. Support for regional policies and institutional strengthening has also been provided to the International El Niño Research Centre launched in January 2003 with the Government of Ecuador and WMO.

34. The Regional Disaster Information Centre, an initiative sponsored by PAHO/World Health Organization (WHO), the Strategy secretariat, the Government of Costa Rica, IFRC, CEPREDENAC and Doctors without Borders, has scaled up its activities in the course of the past year, and now maintains a collection of more than 14,000 documents, including many in full-text electronic format.

35. UNDP, PAHO/WHO and other partners have supported CDERA in the development and implementation of a Comprehensive Disaster Management Project, which has been endorsed and adopted by its 16 participating States. UNDP is currently supporting the development of subregional knowledge networking initiatives in the Caribbean, such as the Caribbean Risk Management Initiative, which is focused on linking climate-change adaptation and disaster reduction.

Asia

36. A number of substantive programmes in Asia are being enhanced through efforts by the relevant regional actors and the Strategy secretariat in order to improve collaboration and the harmonization of institutional development and policy support activities. Partners include the Asian Disaster Preparedness Centre in Bangkok, the Asian Disaster Reduction Centre in Kobe, ESCAP and UNDP, among others.

37. ESCAP, supported by China, India and the European Space Agency, launched a project on capacity-building for disaster management in Asia and the Pacific, which focuses on enabling participating countries to enhance their capacity and organize their internal resources to integrate space technology for natural disaster reduction, particularly in terms of floods and droughts, and also to ensure that they can receive efficient support from international space-based initiatives. The Association of South-East Asian Nations (ASEAN) has developed a comprehensive Regional Programme on Disaster Management, which consolidates the disaster management activities of individual ASEAN member countries and promotes greater cooperation among them. The Mekong River Commission has developed a long-term Flood Management Programme, based on the priorities identified by its member countries for 2002-2008.

The Pacific

38. Efforts are currently focused on supporting the activities of key regional organizations, in particular SOPAC, in collaboration with other partners, such as Australia and New Zealand, that have a long history of regional cooperation with Pacific Member States on disaster reduction. SOPAC has contributed to enhancing the capacities of Member States in the region to assess disaster risk management and to implement the Strategy, and has launched a three-year Community Risk Programme to improve hazard assessment and risk management practices in order to build safer communities. SOPAC, the Strategy secretariat and other partners are developing a proposal for a regional cooperation project and are working towards establishing an International Strategy for Disaster Reduction outpost in the region to strengthen disaster reduction efforts.

Europe

39. The Strategy secretariat is engaged with European partners in a regional outreach initiative building upon existing capacities and networks across both the European and the Mediterranean regions. It includes national platforms, Governments, academia and other relevant sectors in a broad-based dialogue involving the principal international networks present in the region. Following an invitation made by the German Government, a first meeting of European national platforms took place in Bonn in January 2003. Consultations have been held with both the European Commission and the Council of Europe, which, together with the United Nations Economic Commission for Europe, are at the core of a future regional partnership in Europe. One key milestone is the Euro-Mediterranean Forum on Disaster Reduction, which is expected to enhance collaboration across the region.

F. Other activities

40. United Nations agencies and partners have implemented a broad range of activities that have made a substantial contribution to the implementation of the Strategy. Outlined below are some of the activities conducted during the reporting period.

Capacity-building

41. UNDP has increased its capacity to deliver disaster reduction assistance to countries worldwide through four disaster reduction regional advisers supported by five programme specialists, supporting more than 40 countries during the past year. National capacity-building and institutional strengthening to develop risk reduction strategies and national platforms have been developed in Albania, Haiti and Madagascar, among other countries. The inter-agency Disaster Management Training Programme strengthened the capacities of 17 United Nations country teams in the past year. UNDP has supported local risk reduction planning; in Central America and the Caribbean 150 local risk reduction committees in hurricane-affected countries have received support. In addition, more than 100 local committees have benefited, in countries such as Albania, Madagascar, Malawi and Viet Nam. These efforts represent a major contribution to the objectives of the Strategy by enabling communities to become resilient to the effects of disasters.

42. IFRC developed a self-assessment process with its 179 National Societies to provide a global overview of capacity and resources in the field of disaster risk reduction and preparedness worldwide and to assist the National Societies in planning and benchmarking their work more effectively. More than 60 National Societies received support for developing their capacities in disaster management, including proactive measures to reduce risk. IFRC has also developed risk, vulnerability and capacity assessments to identify and analyse risk related to natural disasters in communities and at the national level. One important finding is that these assessments need to be carried out in partnership with Government authorities and actors such as the United Nations and non-governmental organizations if they are to lead to effective programmes.

43. The office of the United Nations Centre for Regional Development in Hyogo, Japan, launched a training programme in Afghanistan to increase the capacities of the national and local governments by offering technical support to achieve safer construction practices. The Centre's three-year project on sustainability in community-based disaster management, aimed at achieving safety and sustainability of livelihoods through effective disaster mitigation at the community level, is being formulated, based on the analysis of successful practices and experiences of several pilot projects in Asia.

Public awareness, advocacy and guidelines

44. In line with the International Year of Freshwater, the 2003 World Disaster Reduction Campaign focuses on the significance of water in the field of disaster reduction and aims at changing people's perceptions and attitudes towards hydrometeorological disasters. In addition to the International Day for Disaster Reduction, 8 October, the campaign is extended to the World Day for Water

celebrations to be held in March 2004, jointly coordinated by WMO and the Strategy secretariat. The theme will be "water and disasters".

45. The 2002 edition of the IFRC *World Disasters Report* focused on reducing risk and identifying challenges and opportunities. The report is now guiding action for many national Red Cross and Red Crescent Societies. The UNDP *World Vulnerability Report*, which will be available at the end of 2003, will highlight contemporary trends in the evolution of natural disaster risk and vulnerability patterns and will advocate relevant policies and strategies for reducing disaster risk. The report is complementary to the Strategy's publication *Living with Risk*, and next year these two reports will be integrated. The first edition of the United Nations *World Water Development Report* is the fruit of collaboration among 23 United Nations agencies and convention secretariats. It lays the foundation for regular, system-wide monitoring and reporting by the United Nations and the development of standardized methodologies and data.

46. A number of technical guidelines and handbooks were prepared, including, by the Economic Commission for Latin America and the Caribbean, a handbook for estimating the socio-economic and environmental effects of disasters; by ESCAP, guidelines on participatory planning and management for flood mitigation and preparedness; and, jointly prepared by the Department of Economic and Social Affairs, the United States/National Oceanic and Atmospheric Administration, WMO, ESCAP and the Strategy secretariat, guidelines for reducing flood loss.

Urban risk

47. Several initiatives were undertaken to address urban risk. UN-Habitat consulted with local authorities, disaster management sectors and housing ministries in the Caribbean and Central American region in 2002, and a programme involving communities in support of a city network to improve capacities to deal with disaster risks is under development. A pilot project with UNESCO was initiated in February 2003 to further develop and apply a local and urban risk assessment methodology in four cities in Latin America and the Caribbean. This is based on the experience of the Risk Assessment Tools for Diagnosis of Urban Areas against Seismic Disaster and is limited to other initiatives of UN-Habitat and the International Council for Local Environmental Initiatives. The Asian Urban Disaster Mitigation Programme of the Asian Disaster Preparedness Centre, an eight-year programme funded by the United States Agency for International Development and the United States Office of Foreign Disaster Assistance, is engaged in implementing risk mitigation programmes in 14 cities in Asia. It also offers training courses on urban disaster mitigation and earthquake vulnerability reduction in cities for regional, national and local groups, with the objective of promoting the replication and adaptation of successful mitigation measures. In January 2003 UNDP hosted a regional workshop in Nairobi to discuss the risk accumulation trends in urbanized areas and to develop a plan of action for awareness-raising among local and national governments, non-governmental organizations and international agencies in Africa.

The water agenda and drought

48. The Third World Water Forum, held in Kyoto in March 2003, constituted an opportunity for progress in integrating risk management as a component of integrated water management. Water-related disasters and solutions were discussed

in technical and ministerial policy round tables. The Strategy secretariat, in collaboration with the Asian Disaster Reduction Centre, convened a meeting during the Forum on living with risk and steps for effective disaster reduction, and ESCAP conducted a discussion on regional cooperation in flood preparedness and reduction. A report was prepared on the role that insurance and other financial services can play in risk management in connection with water and climate. A joint project of WMO and the Global Water Partnership was launched on flood management in the context of integrated water resource management.

49. The Task Force ad hoc discussion group on drought prepared an outline for a global drought risk reduction network to support regional networks. This initiative will facilitate the exchange of experiences and lessons learned and promote improved relationships among existing drought early warning systems. ESCAP and UNDP projects on regional drought preparedness networks are ongoing.

50. The United Nations Convention to Combat Desertification, with 188 ratifications to date, facilitates the assistance to countries in the collection, analysis and exchange of relevant data and information, which are essential for systematic observation of the desertification process and for assessing the impact of drought. The secretariats of the Convention and of the Strategy have discussed how this activity could contribute to the implementation of the Strategy and the networks on drought. A drought preparedness and mitigation programme to promote the use of climate information in decision-making by farmers is being implemented by WMO in collaboration with the United States National Oceanic and Atmospheric Administration and national and regional partners.

Space applications and telecommunications

51. The United Nations Office for Outer Space Affairs pursued its activities in the field of space applications for disaster reduction. In 2003, the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space recognized the contributions of the Strategy secretariat in the development of space programmes in relation to natural disaster reduction, in particular in the conduct of two regional workshops on the use of space for natural disaster management held during the reporting period. The workshop for Asia, organized by ESCAP, in cooperation with the Office for Outer Space Affairs, recommended follow-up activities on floods and droughts and identified possible pilot projects for implementation. Another was held in Romania for Europe.

52. The International Telecommunication Union (ITU) World Telecommunication Development Conference, held in Istanbul in 2002, issued a number of recommendations to promote the use of telecommunication resources for disaster mitigation and relief operations and for early warning services. ITU recently entered into a co-financing arrangement in which a private sector entity provided financing for the procurement of satellite terminals and ITU provided financing for airtime. The equipment will be used in disaster mitigation and relief. The World Summit on the Information Society (Geneva, December 2003, and Tunis, November 2005) is expected to provide an opportunity to enhance disaster reduction through information technology.

II. Negative impacts of extreme weather events and associated natural disasters on vulnerable countries

53. This section responds to the special request of the General Assembly in its decision 57/547 of 20 December 2002 for a report to the Assembly at its fifty-eighth session on the negative impacts of extreme weather events and associated natural disasters on vulnerable countries, in particular developing countries. The impact of extreme weather events around the globe is enormous, and continues to handicap the advancement of the struggling developing economies. In June 2003 alone, a summary by the International Research Institute for Climate Prediction of Columbia University⁴ noted flooding in south-western Sri Lanka with approximately 300 deaths, 200,000 persons displaced and heavy economic damage; a pre-monsoon heat wave in India with more than 1,000 deaths; flooding in Ethiopia and western Kenya with more than 160,000 people displaced; and increases in cases of hepatitis and leptospirosis in Argentina associated with flood conditions. The catastrophic floods of August in Europe caused losses of nearly \$20 billion. The impact of the severe winter for Mongolia was equal to 15 per cent of the country's gross national income, while fatalities from tropical storms in the Federated States of Micronesia reached the exceptionally high rate of 40 per 100,000 people.

54. A very serious concern is the substantial increase in the impacts of weather-related disasters over the past three decades. Average economic losses from extreme weather events in the 1990s were six times as great as in the 1960s. Of equal concern is the conclusion of a UNDP meeting of experts⁵ that developing countries are disproportionately affected, with their losses rising to about five times as high per unit of gross domestic product as those of rich countries, sometimes exceeding a year's worth or more of hard-won and desperately needed economic development.

55. Disasters associated with weather — such as droughts, floods, landslides, storms, fires, and sometimes epidemics and pest outbreaks — far outstrip other types of disasters. The broad regional patterns of risk are well known — for example, the tropical hurricane zones, the drought-prone semi-arid regions and the regions affected by El Niño events — but the details of timing, location and intensity of particular extreme events are largely random and unpredictable, except for forecasts of El Niño a season or two ahead and warnings of tropical cyclones and other severe weather a few days ahead. Extreme weather and climate events are a natural feature of the climate system that human society must continue to adapt to. It is reasonable to ask whether the increase in disaster impacts is due to changes in the climate. The Intergovernmental Panel on Climate Change (IPCC) has warned that the Earth's climate is very likely to change over the decades to come, owing to increases in concentrations of atmospheric greenhouse gases caused by human activity, with likely increases in temperatures, sea levels and extreme weather events (heavy rainfalls and droughts). IPCC assessments of historical climate data have shown a rise in global average temperatures and sea levels over the course of the twentieth century. However, these same assessments have pointed to only small or inconclusive changes to date in the weather factors that are dominant in disasters, such as heavy rainfall, drought or storminess. Some of the observed changes are linked to the tendency for El Niño events to be somewhat stronger over the last 30 years, but it should be noted that IPCC projections indicate only relatively small changes in El Niño amplitudes over the next 100 years. While climate change is a serious threat in the long term and may already be affecting disaster risks, the

changes observed to date in the characteristics of weather and climate hazards are insufficient to explain the rapid increase in disasters.

56. Meanwhile, the consensus view of disaster risk reduction professionals indicates that the vulnerability of societies to the existing level of hazards is increasing. It is widely recognized that many countries are rapidly accumulating large latent risk burdens through the concentration of growing populations in hazardous situations, the stripping of environmental capacities to withstand hazards, and the creation of new social and economic vulnerabilities because of migration, urban development and economic growth. The reinsurance industry also points to increasing densities of exposed and insured assets. Increasingly, when a hazard event occurs, it exposes a large accumulation of risk, unleashing unexpected levels of impacts. Disasters are thus a manifestation of unsustainability.

57. At the same time, climate change remains highly relevant to disasters and their reduction for several important reasons. Firstly, the existing trends evident in weather parameters, though quite small, may already be exacerbating the impacts of some hazard events, especially where social and environmental stresses are already high. Secondly, IPCC has consistently projected the likelihood of increased frequency and intensity of hazards in the future. When and where these changes will become manifest is very uncertain, so precautionary preparations are essential. Steps that enhance our ability to cope with the existing climate will be especially desirable and cost-effective. Thirdly, the experience of countries in managing current climate fluctuations and extremes — for example, multi-year droughts — can provide valuable lessons for dealing with projected longer-term changes. Fourthly, disaster reduction provides a solid, meaningful, no-regrets set of activities in support of climate change adaptation plans. Finally, mitigation policies and initiatives to reduce emissions are likely to change the nature of climate-related risks — for example, through land-use changes.

58. To address these issues, the Strategy secretariat and partners are working to promote the use of disaster reduction as a primary and readily implemented component of climate change adaptation strategies. This complements efforts to mainstream disaster reduction into development strategies. An initiative is under way to prepare an authoritative, multi-stakeholder report on the topic; this was launched at a side event to the June 2003 meeting of the subsidiary bodies of the United Nations Framework Convention on Climate Change in Bonn, with the co-sponsorship of the German Technical Cooperation and the Centre for Climate Change and Disaster Preparedness, established by the Netherlands Red Cross in 2002 in cooperation with IFRC. Work on technical matters, such as the development of better databases on disasters, risks, vulnerabilities and hazards, is continuing, and the active involvement of disaster reduction experts in the next IPCC assessment, due in 2007, is being promoted.

III. Conclusions and recommendations

59. Although global warming is not the primary cause of present disaster trends, the two issues are intimately linked and must be dealt with in an integrated manner. It is clear that the management and reduction of climate-related risk has become a central issue of our time. Disaster risk reduction is a potent no-regrets solution for adapting nationally to climate change.

Interaction and coordination among the development, disaster risk management and climate communities are essential in order to identify and reduce current and future climatic risks. The International Strategy for Disaster Reduction provides the framework for collaboration on the development of methodologies to systematically characterize, measure, assess and respond to weather-related disasters, hazards and vulnerabilities, and trends therein, at the local, national, regional and international levels. This would include coordination and the promotion of disaster reduction as a climate change adaptation strategy and advising the secretariat of the Framework Convention on Climate Change, IPCC and other relevant United Nations entities on risk reduction options.

60. Member States and international organizations need to ensure that development plans and poverty reduction strategies include disaster risk assessment as an integral component and increase their investments to reduce risk and vulnerability if development gains are not to be wiped out, in particular in the least developed countries and small island developing States. Natural and technological hazards, along with the increasing threat of HIV/AIDS, other epidemics and complex emergencies, need to be tackled through common approaches and team efforts by the international community if development goals are to be achieved.

61. The review of the 1994 Yokohama Strategy and Plan of Action is expected to show a need to increase the commitment to disaster reduction. A broad consensus is emerging on the need to move towards a more specific action programme in the coming years to guide and monitor disaster reduction worldwide. The Second World Conference on Disaster Reduction will provide an opportunity for Member States and expert institutions to discuss and adopt a set of principles and substantive activities for 2005-2015, thus contributing to the fulfilment of the Millennium Development Goals, the Johannesburg Plan of Implementation and other United Nations development objectives. At its seventh meeting in April 2003, the Task Force welcomed and endorsed the offer made by Japan to host such a conference in Kobe. Member States are encouraged to endorse the convening of the Conference with the principal objectives of identifying achievements and gaps to be addressed and of setting the vision and recommendations for the future work of the Strategy and for the implementation of disaster reduction at all levels.

62. This year, the Second International Conference on Early Warning is expected to launch a substantive programme to facilitate dialogue and cooperation on early warning issues at the global and regional levels as an integral element of disaster reduction policy. The Conference will include practical steps to improve the integration of warnings into policy and management and the facilitation of relevant activities, interests and expertise. The results of the Conference are expected to be an important component of the action programme to be launched by the Second World Conference on Disaster Reduction. Member States are encouraged to provide substantive support for this initiative.

63. The work of the Task Force should receive more sustained political and financial support in line with the recently conducted review of activities. The political profile and visibility of disaster reduction per se, and of the Strategy,

should continue to be enhanced. To that end, the profile of Task Force meetings must be further raised, including through the organization of sessions at which member organizations and entities should be represented at the highest level. At the same time, the chair of the Task Force should continue to ensure that its working groups constitute ad hoc arrangements with clearly defined objectives and schedules, and that their activities are in line with the overall mandate and objectives of the Task Force.

64. The Strategy secretariat should continue to be strengthened, in keeping with General Assembly resolutions 54/219 of 22 December 1999, 56/195 and 57/256. Disaster reduction is relevant to the achievement of the Millennium Development Goals. It is both a humanitarian and a development responsibility and must be considered as a part of the core functions of the United Nations. A more stable and predictable base of financial resources is required if the Strategy secretariat is to effectively meet the growing needs of Member States. Member States are encouraged to support the process of consolidation of the International Strategy for Disaster Reduction as an essential instrument for sustainable development and to provide adequate resources to the Trust Fund for Disaster Reduction.

Notes

¹ The Task Force was established to: (a) serve as the main forum within the United Nations system for formulating strategies and policies for disaster reduction; (b) identify gaps in disaster reduction policies and programmes and recommend remedial action; (c) provide policy guidance to the Strategy secretariat; and (d) convene ad hoc meetings of experts on issues related to disaster reduction. It is chaired by the Under-Secretary-General for Humanitarian Affairs, and the Director of the Strategy secretariat acts as Secretary.

² Current members include: African Union, Asian Disaster Preparedness Centre, Asian Disaster Reduction Centre, Centre for Research on the Epidemiology of Disasters, Council of Europe, Drought Monitoring Centre, FAO, Global Fire Monitoring Centre, Ibero-American Association of Civil Defence and Civil Protection, Organization of American States, International Council of Science, International CIS Council, International Federation of Red Cross and Red Crescent Societies, International Telecommunication Union, Munich Reinsurance, South Pacific Applied Geoscience Commission, UNDP, UNESCO, UNEP, UN-Habitat, United Nations University, World Bank, WFP, WHO and WMO.

³ Adopted at the first World Conference on Natural Disaster Reduction, Yokohama, 1994. It has since then served as the international blueprint for disaster reduction and the basis for the adoption of the International Strategy for Disaster Reduction.

⁴ See <http://iri.columbia.edu/climate/cid/Jun2003/>.

⁵ See www.undp.org/erd/disred/docs/Riskadaptationintegrated.doc.



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The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General**

Summary

The present report contains replies received from Member States in response to the Secretary-General's note verbale of 19 June 2003 concerning implementation of the relevant provisions of General Assembly resolutions 57/111, entitled "Jerusalem", and 57/112, entitled "The Syrian Golan", both of 3 December 2002.

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* A/58/150.

** The present report is being submitted on 13 August 2003 so as to include as much updated information as possible.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 57/111 and 57/112, both of 3 December 2002. In its resolution 57/111, the Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In its resolution 57/112, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of Council resolutions 242 (1967) and 338 (1973).

2. In order to fulfil his reporting responsibility under resolutions 57/111 and 57/112, on 19 June 2003 the Secretary-General addressed notes verbales to the Permanent Representative of Israel to the United Nations and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 4 August 2003, replies had been received from Israel, Japan, the Netherlands, Norway, South Africa, Switzerland, the Syrian Arab Republic and Trinidad and Tobago. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Israel

[Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, as well as against similar resolutions adopted by the General Assembly in previous sessions. In view of the urgent need to bring an end to all acts of violence and terrorism in the region and to further the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.

2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudice the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines a fundamental principle of the peace process, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

3. The time to put an end to such biased United Nations resolutions is long overdue, requiring immediate and serious consideration by the Secretary-General. These one-sided resolutions are not only out of touch with reality and anachronistic, they are counterproductive to the very spirit of peace. Rather than promoting a vision that recognizes the rights and obligations of both sides, these resolutions obscure the efforts of the parties to achieve a negotiated outcome, at a moment when encouraging changes in the Middle East region opened a critical window of opportunity in the peace process.

Japan

[Original: English]

1. Steps taken or planned by the Government of Japan concerning the implementation of the relevant provisions of resolutions 57/111 and 57/112 adopted by the General Assembly on 3 December 2003 under the agenda item entitled "The situation in the Middle East", are described below.

1. Resolution 57/111

2. It is the view of the Government of Japan that the Basic Law of Israel of 1980 gives ex post facto legal approval to the annexation of East Jerusalem, which Israel occupied in 1967, and that such a unilateral change to the legal status of an occupied territory is in violation of the relevant United Nations resolutions and cannot be recognized.

3. The Government of Japan considers that, as agreed in the Oslo Accords, the status of Jerusalem should be determined through permanent status negotiations between the Israelis and the Palestinians and that until a solution is achieved through such negotiations both parties should refrain from taking any unilateral actions relating to the situation in Jerusalem. The Government of Japan does not have an office in Jerusalem; its embassy is in Tel Aviv and there are no plans to transfer it.

4. Japan welcomes the positive direction being taken in line with the "road map" and hopes that the dialogue resumed between Israel and Palestine, including talks at the summit level, will continue. Japan will actively continue its efforts to promote peace in order to realize the vision of two States living side by side in peace and security as well as to assist state-building efforts by the Palestinians, which is indispensable to achieving a just and lasting peace, by implementing assistance measures focusing on "human development," "reform" and "confidence-building," as announced during the visit of Foreign Minister Kawaguchi in April 2003.

2. Resolution 57/112

5. In response to the passage by the Knesset in 1981 of the legislation concerning the annexation of the Golan Heights, the Government of Japan issued the following statement through the Minister for Foreign Affairs on 15 December 1981. The fundamental position conveyed therein has not changed.

"(a) The Knesset adopted the legislation which in effect annexes the Golan Heights on 14 December 1981. Japan cannot condone such a unilateral change to the legal status of an occupied territory by Israel, following the annexation of East Jerusalem in July 1980, which is in total violation of international law and United Nations Security Council resolutions 242 (1967) and 338 (1973).

"(b) The Government of Japan is deeply concerned that such an action would not only impair the atmosphere that exists for the settlement of the Arab-Israeli conflicts through peaceful means, but would also heighten tension in the region.

"(c) On this occasion, the Government of Japan reiterates its strong demand that Israel withdraw from all the territories occupied in 1967 as early as possible."

6. Subsequently, negotiations were conducted between Israel and the Syrian Arab Republic from the end of 1994 until their suspension in January 1996. Discussions were resumed in January 2000, but a conflict of opinion concerning procedural issues caused them to be suspended again and that situation has continued up to the present time. Japan takes the position that a peaceful settlement reached through negotiation is the only realistic option available and hopes that both parties, Israel and the Syrian Arab Republic, will continue to make efforts to achieve peace.

7. Since February 1996, the Government of Japan has maintained a 45-member contingent in the United Nations Disengagement Observer Force operating in the Golan Heights.

The Netherlands

[Original: English]

The Netherlands is in compliance with Security Council resolution 478 (1980). Furthermore, the Netherlands, through the European Union and otherwise, actively participates in and encourages international efforts such as those undertaken by the Quartet for the Middle East aimed at reaching a lasting peace in the region.

Norway

[Original: English]

1. Resolution 57/111. Jerusalem

1. Norway's position remains in accordance with this resolution. Norway actively supports the Quartet road map and related diplomatic efforts that will, it is hoped, lead to a just and lasting solution to all aspects of the conflict.

2. Resolution 57/112. The Syrian Golan

2. Norway's position remains in accordance with this resolution. Norway actively supports the Quartet road map and related diplomatic efforts that will, it is hoped, lead to a just and lasting solution to all aspects of the conflict, including the Syrian track.

South Africa

[Original: English]

1. The steps taken by South Africa to implement General Assembly resolutions 57/111 and 57/112, under the item entitled "The situation in the Middle East", are described below.

1. Background

2. South Africa has consistently expressed its commitment to contribute towards a just, comprehensive and lasting peace to the Middle East conflict, on the basis of Security Council resolutions 242 (1967) and 338 (1973), as well as on the principle of land-for-peace. In that vein, South Africa has expressed support for the road map for peace in the Middle East as a basis upon which a comprehensive Arab-Israeli peace can be forged.

3. South Africa also welcomed the Arab peace initiative of 2002, which offers Israel full peace and full recognition in exchange for its withdrawal from all of the occupied territories and which was endorsed by the ministerial meeting of the Committee on Palestine of the Movement of Non-Aligned Countries, held in Durban on 27 April 2002.

4. In its interaction with all countries in the region, South Africa strives to maintain a principled stance with regard to the complex regional problems, with the emphasis on support for justice and peace. In particular, South Africa has adopted firm positions on the Middle East peace process, including the Syrian and Lebanese tracks.

5. The South African Government has consistently given material and organizational support to events organized to mark the International Day of Solidarity with the Palestinian People.

6. The South African Government has issued a large number of media statements on the Middle East conflict. The following are the key elements that are consistently articulated in public statements of the South African Government:

(a) No preconditions in respect of a total cessation of violence in order to enter into talks;

(b) Condemnation of expanding and building settlements; excessive military force by the Israel Defense Force; extrajudicial killings; re-occupation and incursions into Palestinian towns and refugee camps; blockades and closures; destruction of Palestinian National Authority (PNA) infrastructure and Palestinian-owned property; withholding of revenue owed to the PNA and humiliation of Palestinian citizens and their elected leadership and all forms of collective punishment;

(c) Condemnation of Palestinian suicide bombings and acts of terror against citizens within Israel;

(d) Support for the voices of peace within Israel and Palestine and building a shared vision for a mutually beneficial settlement;

(e) Support for broadening international sponsorship of the Middle East peace process and making it more inclusive;

(f) Support for international initiatives, such as the "Quartet's" road map and the Arab peace initiative of 2002;

(g) Calling for the immediate implementation of the road map without amendments or preconditions;

(h) Violence and counter-violence cannot be allowed to hold the negotiation process hostage.

2. Position of the Movement of Non-Aligned Countries

7. South Africa, as the Chair of the Movement of Non-Aligned Countries (NAM) from October 1998 to February 2003, cooperated in efforts to bring about effective Security Council action with regard to Israel's military assaults on the Palestinian Territories. This has culminated in the adoption of a series of Security Council resolutions in March and April 2002 (resolutions 1397 (2002), 1402 (2002), 1403 (2002) and 1405 (2002)), which South Africa supports fully. South Africa has supported all the efforts of the Secretary-General in this regard.

8. As NAM Chair, South Africa also spearheaded the call for the resumption of the tenth emergency special session of the General Assembly on 7 May 2002. The Assembly called for the immediate implementation of Security Council resolutions and for the Secretary-General to compile a report on the Jenin incident. On 5 August 2002, South Africa again called for a resumed tenth emergency session of the General Assembly to consider the Secretary-General's report on Jenin. South Africa was active in negotiating the draft resolution, which was adopted by an overwhelming margin. The resolution stresses the need to end Israeli occupation and demands the immediate cessation of military actions and all acts of violence, terror, provocation, incitement and destruction, as well as an immediate withdrawal of Israeli forces.

9. Acting in terms of a NAM mandate to engage with key role players in the Middle East peace process, with the aim of working towards a peaceful resolution to the conflict, President Thabo Mbeki, the Minister of Foreign Affairs, Dlamini Zuma, and Deputy Minister of Foreign Affairs, Aziz Pahad, interacted with their counterparts from a wide range of countries in all regions of the world. The NAM Committee on Palestine meeting, held on 27 April 2002, further mandated the Chair to organize a delegation to visit Palestine and to meet with President Arafat, in expression of solidarity with the President and people of Palestine. Minister Dlamini Zuma led a delegation of NAM Ministers to visit President Arafat under siege in his office compound in Ramallah in June 2002.

10. South Africa, when Chair of NAM, consistently called for clarity on what would constitute a Palestinian State, and for commitments by Israel and the United States to specific outcomes in this regard, namely, an economically and politically viable State based on the 1967 borders, including East Jerusalem; a concrete plan to bring the settlers out of the West Bank; a satisfactory solution to the question of Palestinian refugees; the sharing of Jerusalem; recognition of Israel by the Arab States; and real security for both Israel and Palestine. This is the consistently expressed South African vision for the basis of a just and lasting Israeli-Palestinian peace.

3. Presidential peace initiative

11. The South African example of conflict resolution, negotiating a settlement and transforming society continues to inspire those parties in Israel and Palestine committed to finding a peaceful solution to the conflict. This was demonstrated by the success of the Presidential Peace Retreat, hosted by President Thabo Mbeki at Spier Wine Estate near Cape Town in January 2002. Israeli and Palestinian delegations, who had last met during the negotiations in Taba in 2001, spent three days engaging with a South African delegation of present and former ministers.

12. The principle aim of the Retreat was to support the strengthening of the peace camps in Palestine and Israel as well as the general dynamic towards peace in the region. The event concluded with the issuing of the Spier Three Party Communiqué, which demonstrates the spirit of commitment to dialogue and partnership for peace between the three parties present.

13. The key strategic engagement of South Africa with the Middle East conflict, as clearly shown by the Spier Presidential Peace Retreat of January 2002, remains the strengthening of the "peace camps" in both Israel and Palestine; sharing the South African experience with a wide cross-section of Israeli and Palestinian civil society and government; assisting the Palestinian reform process, and supporting international peace efforts.

4. Activities undertaken in relation to the Spier presidential peace initiative

14. The main activities of 2002 were as follows:

(a) A visit by representatives of the Israeli war resisters' movement, The Courage to Refuse, hosted by the Centre for Conflict Resolution in Cape Town;

(b) The Deputy Minister led a delegation for consultations with counterparts from the United Kingdom and France on the kind of support South Africa can offer the Palestinian reform process, while maintaining contact with the Israeli side;

(c) A study tour by senior officials from the Palestinian Ministry of Planning and International Cooperation (MOPIC) took place in October 2003. MOPIC explored the process from negotiations through to the transformation of government structures that South Africa has undertaken;

(d) Palestine academics visited South Africa in November 2002. The visit focused on interaction with South African academic institutions, non-governmental organizations and media;

(e) A South Africa delegation visited Israel and Palestine in October 2002 to broaden the scope of Israelis and Palestinians exposed to the South African experience.

15. The main activities during the first quarter of 2003 were as follows:

(a) The Palestinian Constitutional Committee visited South Africa to study the South African experience of constitution-making, the role of the Constitution in the negotiation process and the mechanisms developed to safeguard and uphold the values of the constitution;

(b) Members of the Palestinian Legislative Council undertook a study tour to South Africa in January 2003 to investigate the South Africa human rights legislation and its implementation;

(c) An Israeli security and intelligence group, comprising high-level retired generals of the Israel Defense Force, intelligence officials and academics, visited South Africa in February 2003. The aim of the visit was to assist in developing alternative concepts and frameworks around security issues in the region.

5. The road map for peace in the Middle East

16. South Africa has called for the immediate implementation of the "road map",

without preconditions, in line with the positions adopted by "key players", including the United Nations, the European Union and the Quartet. South Africa has called on all parties to the conflict in Israel and Palestine to demonstrate responsibility in avoiding actions that could add to an already volatile situation. It called for the Palestinian Authority's progress on the road of reform to be recognized internationally and supported locally through similar confidence-building measures on the side of the Israeli Government.

17. South Africa has consistently pledged its support for the road map and remains committed to its immediate implementation without preconditions or reservations.

6. Aqaba Summit

18. South Africa has welcomed the positive outcome of the Aqaba Summit, which effectively reopened direct negotiations between the Israeli and the Palestinian leaderships. South Africa also welcomed both the commitment of Prime Minister Sharon to a two-State solution and the immediate dismantling of illegal settlement outposts, as well as Prime Minister Mahmoud Abbas' call for an end to violence. The pledges made by both parties in Aqaba demonstrate a clear commitment by the respective leaderships of Israel and Palestine to creating the necessary conditions for a peaceful resolution to the conflict.

19. The South African Government will continue to give close attention to the situation in the Middle East and will spare no effort to assist both Israelis and Palestinians to achieve the peace that both peoples deserve.

Switzerland

[Original: French]

1. Switzerland has often expressed its deep concern about the evolution of the situation in the Middle East, recalling the respective and specific obligation of the parties under international humanitarian law.

2. With respect to resolution 57/111, adopted by the General Assembly at its fifty-seventh session, on 3 December 2002, and in conformity with Security Council resolution 476 (1980), which reiterates that all measures that have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void, Switzerland considers that the extension of Israeli sovereignty to East Jerusalem constitutes a unilateral act that is contrary to international law and thus unacceptable.

3. Switzerland recalls that, in accordance with Security Council resolution 478 (1980), the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (fourth Geneva Convention), applies to all the territories in question, including the Golan Heights. In full conformity with General Assembly resolution 57/111, Switzerland believes that the final status of Jerusalem can only be settled by negotiations between all the parties concerned, on the basis of international law. The outcome of such negotiations must be to ensure free access to their holy places by people of all religions.

4. With respect to resolution 57/112, adopted by the General Assembly at its fifty-seventh session, on 3 December 2002, Switzerland believes that any

comprehensive settlement of the problems in the Middle East must include an adequate solution under international law to the problem of the occupied Syrian Golan Heights. In accordance with Security Council resolution 497 (1981), Switzerland believes that the imposition of Israeli jurisdiction in the Golan Heights is an unacceptable unilateral act. Furthermore, Switzerland recalls that the fourth Geneva Convention is also applicable *de jure* in the occupied Syrian Golan. In accordance with Assembly resolution 57/112, Switzerland strongly encourages the resumption of the peace process by all the parties concerned.

Syrian Arab Republic

[Original: Arabic]

1. The Syrian Arab Republic supported General Assembly resolution 57/112, entitled "The Syrian Golan", and reaffirms the need for and inevitability of an end to the Israeli occupation of the Syrian Golan and compliance with Security Council resolution 497 (1981) of 17 December 1981.

2. That resolution states that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect, and demands that Israel should rescind forthwith its decision. It should also comply with the General Assembly resolutions pertaining to the Syrian Golan, including resolution 57/128 and, in particular, paragraphs 2-5 thereof, which call upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan. The resolution further calls upon Israel to desist from the establishment of settlements and determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect. The resolution also calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from taking repressive measures against the population of the occupied Syrian Golan.

3. The Syrian Arab Republic also expresses its support for General Assembly resolution 57/111, entitled "Jerusalem", and urges the international community to bring pressure to bear on Israel to end its occupation of the territories that it has occupied since 1967, including Jerusalem, and to comply with Security Council resolution 478 (1980) of 20 August 1980, in which it was decided not to recognize the "basic law" enacted by Israel concerning Jerusalem. The resolution further determines that all legislative and administrative measures and actions taken by Israel in that regard are null and void and must be rescinded forthwith. The Syrian Arab Republic urges all States to comply completely with the provisions of resolution 57/111 and, in particular, of the third preambular paragraph thereof, which refers to Security Council resolution 478 (1980) of 20 August 1980. That resolution called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City and to abide by the provisions of the relevant United Nations resolutions.

Trinidad and Tobago

[Original: English]

1. With regard to the implementation of General Assembly resolution 57/111, the Government of Trinidad and Tobago has not taken nor envisages taking any steps, given that Trinidad and Tobago has no diplomatic representation in Israel.
 2. With regard to the implementation of General Assembly resolution 57/112, the Government of Trinidad and Tobago has not taken nor envisages taking any steps, given that Security Council resolutions 242 (1967) and 338 (1973) do not place any obligations on Trinidad and Tobago.
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Item 119 (b) of the provisional agenda*

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Human rights and unilateral coercive measures

Report of the Secretary-General**

1. In paragraph 9 of its resolution 57/222, the General Assembly requested the Secretary-General to bring that resolution to the attention of Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit an analytical report thereon to the General Assembly at its fifty-eighth session, highlighting the practical and preventive measures in that respect.

2. In accordance with the resolution, a note verbale was sent to all permanent missions to the United Nations on 25 June 2003, bringing the resolution to the attention of Member States and seeking their views. As of 13 August 2003, no information had been received. Any information made available to the Office of the United Nations High Commissioner for Human Rights at a later date will be submitted in an addendum to the present report.

* A/58/150.

** The present report has been submitted late in order to include any replies in response to the request for information.

